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FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973
EXECUTIVE ORDER 11748

Federal Energy Office

By virtue of the authority vested in me as President of the United States of America by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (P.L. 91–379, 84 Stat. 799), as amended, the Emergency Petroleum Allocation Act of 1973 (P.L. 93–159), the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.), as amended, and Section 301 of title 3 of the United States Code, it is hereby ordered as follows:

Section 1. There is hereby established in the Executive Office of the President a Federal Energy Office. The Office shall be under the immediate supervision and direction of an Administrator and a Deputy Administrator of the Federal Energy Office. The Administrator shall be the Deputy Secretary of the Treasury.

Section 2. The Administrator of the Federal Energy Office shall advise the President with respect to the establishment and integration of domestic and foreign policies relating to the production, conservation, use, control, distribution, and allocation of energy and with respect to all other energy matters.

Section 3(a) There is hereby delegated to the Administrator all the authority vested in the President by the Emergency Petroleum Allocation Act of 1973.

(b) The Administrator shall either submit to the Congress the reports required by Section 4(c)(2) of the Emergency Petroleum Allocation Act, or may require any other officer or any department or agency of the United States to submit the required reports to Congress.

Section 4(a) There is hereby delegated to the Administrator the authority vested in the President by Section 203(a)(3) of the Economic Stabilization Act of 1970, as amended.

(b) The Chairman of the Cost of Living Council shall, from time to time, delegate to the Administrator such authority under the Economic Stabilization Act as may be necessary to carry out the purposes of that Act with respect to energy matters.

Section 5. There is hereby delegated to the Administrator the authority vested in the President by the Defense Production Act of 1950, as amended, as it relates to the production, conservation, use, control, distribution, and allocation of energy. Any provision of Executive Order
No. 10480, as amended, which is inconsistent with the exercise of such authority is hereby suspended for so long as this Section remains in effect.

Sec. 6. Executive Order No. 11726 of June 29, 1973, is hereby superseded to the extent that it is inconsistent with this Order.

Sec. 7. All Orders, regulations, circulars, or other directives issued and all other actions taken pursuant to any authority delegated to the Administrator by this Order prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this Order, unless or until altered, amended, or revoked by the Administrator or by such competent authority as he may specify.

Sec. 8. All authority delegated to and placed in the Administrator by this Order may be further delegated, in whole or in part, by the Administrator to any other officer or any department or agency of the United States.

Sec. 9(a) Necessary expenses of the Federal Energy Office may be paid from the Emergency Fund of the President or from such other funds as may be available.

(b) The Administrator of the General Services Administration shall provide, on a reimbursable basis, such administrative support as may be needed by the Federal Energy Office.

(c) All departments and agencies of the executive branch shall, to the extent permitted by law, provide assistance and information to the Administrator of the Federal Energy Office.

The White House,

[FR Doc.73-26073 Filed 12-5-73; 10:39 am]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are key to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that under the provisions of § 213.3303 Executive Office of the President, National Endowment for the Arts, is excepted under Schedule A. Effective on December 6, 1973, §213.3182(a) (4) is added as set out below.

§ 213.3182 National Foundation on the Arts and the Humanities.
(a) National Endowment for the Arts.
(4) Until June 30, 1978, one position of Assistant Director for Theatre Programs, National Endowment for the Arts, is excepted under Schedule A.

§ 213.3301b 18 positions are no longer excepted under Schedule A.

PART 213—EXCEPTED SERVICE

Miscellaneous Revocations

Subpart C of Part 213 is amended to show that under the provisions of § 213.3368A, positions are no longer excepted under Schedule C. Effective December 6, 1973, Subpart C of Part 213 is amended as set out below.

§ 213.3303 Executive Office of the President.
(a) Office of Management and Budget.
(b) Four Secretaries to the Director.

§ 213.3304 Department of State.
(a) Office of the Secretary.
(b) Two Private Secretaries to the Secretary.

§ 213.3305 Treasury Department.
(a) Office of the Secretary.
(b) Five Confidential Assistant to the Secretary.

§ 213.3313 Department of Agriculture.
(a) Office of the Secretary.
(31) [Revoked]

§ 213.3316 Environmental Protection Agency.
(a) Office of the Administrator.
(3) One Secretary to the Administrator.

§ 213.3318 General Services Administration.
(3) [Revoked]

§ 213.3320 Intero-American Foundation.

(1) [Revoked]

§ 213.3337 General Services Administration.
(j) Property Management and Disposal Service.
(2) Five Confidential Assistant to the Commission.
(3) One Special Assistant to the Commissioner.

§ 213.3368 Agency for International Development.
(e) Office of the Assistant Administrator for Legislative Affairs.
(3) [Revoked]

§ 213.3394 Department of Transportation.
(a) Office of the Secretary.
(11) Two Special Assistants to the Under Secretary of Transportation.
(24) [Revoked]
(27) [Revoked]
(31) [Revoked]

§ 213.3395 Department of Transportation.
(a) Office of the Secretary.
(29) [Revoked]
(36) [Revoked]

§ 213.3395 Department of Transportation.
(a) Office of the Secretary.
(29) [Revoked]
(36) [Revoked]

§ 213.3395 Department of Transportation.
(a) Office of the Secretary.
(29) [Revoked]
(36) [Revoked]

PART 215—COST OF LIVING COUNCIL

CHAPTER I—COST OF LIVING COUNCIL
PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

These amendments are designed to implement certain changes in the Cost of Living Council Phase IV Petroleum regulations dealing with the refiners, issued after review of comments submitted in response to the Council's notice of proposed rulemaking (38 FR 31686, November 16, 1973). As stated in the notice of proposed rulemaking these changes, which became effective November 30, 1973, must be used by refiners to make the calculations of increased product costs beginning with the month of December.

After reviewing the comments received as well as other information developed by the Council during the comment period the Council has altered the proposed rulemaking in several respects which are summarized below.

The Council has modified slightly the proposed reseller rule to make clear that it applies to all sales of crude petroleum except the first sale of domestic crude petroleum. Additionally, the reseller rule as amended applies to any entity of a refiner which is engaged in the business of purchasing and reselling covered products provided that the entity does not purchase more than 5 percent of such covered products from the refiner including any entities which it directly or indirectly controls and provided further that the entity has historically and consistently exercised the exclusive price authority with respect to sales by the entity. This modification is in response to comments received that certain entities although owned by a refiner are completely autonomous entities and purchase products on the open market in arms-length transactions. Such entities have separate accounting procedures which would require substantial modification were they required to "roll-in" their product costs with those of the parent refiner. All other sales by a refiner or its subsidiaries are subject to the refiner's rule § 150.365.
The definition of the cost of domestic changes in the sources from which crude portion of costs attributable to transchase crude or product F.O.B. point of purchase whenever it becomes available. This is especially true for smaller inland refineries which must purchase crude whenever it becomes available. Also, many refiners which purchase crude or product F.O.B. point of destination are unable to ascertain that portion of costs attributable to transportation. Thus, the definitions in §150.356(b) have been modified to include domestic transportation changes to the refinery in increased product costs. These charges may be passed through automatically via the allocation formula. This is especially true for wells, the first sale of which is exempt to the refinery in increased product costs.

A technical change has been made to the Y factor in the allocation formula. This term, as proposed, required a firm to calculate the lowest price at or above which 10 percent of the product was sold to wholesalers. Comments received indicated that this number was not readily ascertainable as wholesale sales by the industry. Accordingly, the definition has as amended omits the word "to wholesalers" and identifies the lowest price at or above which 10 percent of all sales of that product were made.

In an effort to clarify and provide further guidance to the petroleum industry a definition of posted prices has been added to §150.352. It provides that a posted price must be a publicly circulated written offer to purchase. It does not include non-published or price lists which may have been paid for crude purchased on May 15, 1973.

The calculation of the "banked costs," term G in the formula adopted as proposed reflects only those costs incurred since August 1, 1973 and not yet recouped. There is and never has been any provision allowing the increases in the costs of crude petroleum incurred between the period May 15, 1973 and August 1, 1973 to be recouped.

The allocation of refiners increased non-product costs as set forth in §150.355, is adopted without change from the publication.

The change in the allocation formula §150.356 which requires allocation of increases based upon sales volume rather than sales revenues and the other technical changes set forth in the notice are adopted without change.


In consideration of the foregoing Part 150 of Title 8 of the Code of Federal Regulations is amended as follows, effective November 30, 1973.


JOHN T. DUNLOP,
Director,
Cost of Living Council.

§ 150.352 (Amended)
1. Section 150.352 is amended by deleting the definitions of "refiner-reseller" and "retailer" in this section.
2. Section 150.352 is amended by adding a definition of "Posted price" as follows:

"Posted price" means a written statement of crude petroleum prices circulated publicly among sellers and buyers of crude petroleum in a particular field in accordance with historic practices, and generally known by sellers and buyers within the field.

3. Section 150.355 is revised to read as follows:

§ 150.355 Price rule: Refiners.
(a) Applicability. Except as provided in §150.359, this section applies to each sale of a covered product which is purchased or refined by a refiner.
(b) Rule. A refiner may not charge to any class of purchaser a price in excess of the base price of that covered product except to the extent permitted pursuant to the provisions of paragraphs (c) through (e) of this section.
(c) Price increases. A price in excess of the base price of an item in a product line may be charged only to re- cover on a dollar-for-dollar basis those net increases in allowable costs that have been incurred with respect to the product line since the period for determining base cost and which the refiner continues to pass through the price of that covered product.

(2) For the purpose of determining whether net allowable costs have been incurred which permit the charging of a price in excess of the base price, base costs must be calculated as of May 15, 1973. Current costs which exceed base costs may be used to justify a price in excess of the base price. "Allowable costs" under this section mean non-product costs attributable to refining operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned and exclude any costs attributable to marketing operations.

(d) Application of price increases. (1) A firm may not increase prices above base prices pursuant to this section until it complies with the prenotification requirements of Subpart H of this part. (2) A firm which is authorized to charge a prenotification percentage price increase pursuant to Subpart H of this part with respect to a product line by virtue of cost justification determined in accordance with this section, shall apply that percentage price increase in the following manner: (1) A refiner may charge a price in excess of the base price of a special product which reflects that part of the total allowable percentage price increase with respect to a product line allocable to sales of that special product provided that (a) the amount of the increase above the base price is calculated by use of the formula in paragraph (d) (3) (D) of this section; (b) the amount of increased costs allocable to that special product is equally applied to each class of purchasers; and (c) the increase above the base prices may not be implemented to any price other than one on a calendar month and must be implemented on the same date that increased product costs are added to May 15, 1973 selling prices to compute base prices pursuant to paragraphs (g) of this section.

(ii) A refiner may charge a price in excess of the base price of its covered products other than special products which reflects that part of the total allowable percentage price increase with respect to the product line allocable to sales of those products or sales of special products not otherwise allocated pursuant to paragraph (d) (2) (i) of this section provided that (a) the amount of increase above the base price is calculated by use of the formula in paragraph (d) (3) (ii) of this section and (b) the amount of increased costs allocated to a covered product or special product is equally applied to each class of purchaser.

(2) General formulae. (1) For special products (i-1 and i-2):

\[ D_r = s_r \frac{P}{V_r} \]

Where:

- \( D_r \) is the dollar amount that may be added to each base price for the special product.
- \( s_r \) is the portion of the special product.
- \( P \) is the base price of the covered product.
- \( V_r \) is the total volume of sales of the special product.

(2) For covered products other than special products (i-3):

\[ D_r = s_r \frac{P}{V_r} \]

Where:

- \( D_r \) is the dollar amount that may be added to each base price for the covered product.
- \( s_r \) is the portion of the covered product.
- \( P \) is the base price of the covered product.
- \( V_r \) is the total volume of sales of the covered product.

The time period for measurement is referenced by the superscript e.
- \( e \) is the consecutive 12-month period for which the cost justification is proposed, commencing the first day following the accounting month most recently ended prior to the date of signing the prenotification CLC Form 22.
- \( e \) is the consecutive 12-month period, at a specific covered product or products of the type "f" at May 15, 1973, price level.
- \( v_e \) is the total dollar amount a refiner may add in the period "e" with respect to a covered product or special product.
- \( s_e \) is the total dollar amount a refiner may add in the period "e" with respect to a covered product or special product.
- \( P \) is the base price of a covered product or special product.

The percentage of cost justification entered for all covered products or column (b) from Part VI of CLC Form 22.
RULES AND REGULATIONS

§ 150.356 Allocation of refiner's increased product costs.

(a) Scope. This section prescribes the requirements governing the inclusion of a refiner's increased product costs in the computation of its base prices pursuant to § 150.355(g) for covered products.

(b) Definitions. For purposes of this section—

"Cost of crude petroleum" means: (1) For purposes of domestic crude petroleum, (i) in arms-length transactions, the purchase price provided that with respect to sales of crude petroleum subject to subpart L, it conforms with the requirements of § 150.356(c) (3) for base production control level crude petroleum. If there is no posted price in a particular field, the related price for that grade of new domestic crude petroleum and petroleum produced from stripper wells which is most similar in kind and quality to the nearest field for which the price is posted and the price determined pursuant to § 150.354(c) (3) for base production control level crude petroleum. Cost of crude petroleum also includes the cost of all unfinished oils and natural gas liquids which may be used in the production of the refined, and which are covered products. The cost of domestic crude petroleum, unfinished oils and natural gas liquids includes transportation costs. (2) For purposes of imported crude petroleum, the landed cost.
"Cost of petroleum product" means:
(1) For purposes of domestic petroleum products other than crude petroleum, the purchase price including transportation costs.
(2) For purposes of imported petroleum products, the landed cost.

"Firm" means a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

"Increased product costs" means the sum of (1) the difference between the total cost of crude petroleum during the month of measurement and the total cost of petroleum product during the month of measurement plus (2) the difference between the total cost of petroleum product during the month of measurement and the total cost of petroleum product during the month of May 1973, provided that the petroleum product was not purchased or landed during the month of May 1973, the cost of that petroleum product in May 1973 shall be imputed to the lowest price at or above which at least 10 percent of that product was priced by the refiner in transactions during the month of May 1973.

"Landed cost" means:
(1) For purposes of complete arms-length transactions, the purchase price at the point of origin plus the actual transportation cost.
(2) For purposes of products purchased in arms-length transactions and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin plus the transportation cost computed by use of the accounting procedures generally accepted and consistently and historically applied by the firm concerned.
(3) For purposes of products purchased in a transaction between affiliated entities and shipped pursuant to an arms-length transaction, the cost of the product computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned.

"Transactions between affiliated entities" means all transactions between entities which are part of the same firm and transactions with entities in which the firm has a beneficial interest to the extent of entitlement of covered product by reason of the beneficial interest.

Allocation of increased-costs—
(1) General rule—(i) Special products.
In computing base prices for sales of a special product (other than a special product purchased in a transaction between affiliated entities in which the firm has a beneficial interest to the extent of entitlement of covered product by reason of the beneficial interest) a refiner may increase its May 15, 1973 selling price by an amount to reflect the increased product costs attributable to sales of that special product in computing its base prices for covered products other than special products pursuant to paragraph (c)(1)(i) of this section.

(ii) Other than special products. In computing base prices for a covered product other than a special product, a refiner may increase its May 15, 1973 selling price by an amount to reflect the increased product costs attributable to sales of covered products other than special products or sales of special products not otherwise allocated pursuant to paragraph (c) (1) (i) of this section using the differential between the month of measurement and the month of May 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the general formula set forth in paragraph (c) (2) (i) of this section and that the amount of increased product costs included in computing base prices of a particular covered product other than a special product is regularly applied to each class of purchaser.

(iii) General formulae.
(1) For special products (i=1 and 1):
\[
A_i = O_i (C_i - C_o) - O_o
\]
which is the total increased cost of crude petroleum purchased or landed in the period "\(t\)" (the month of measurement).

Where:
- \(O\) = The total quantity or volume of crude petroleum purchased or landed in the period "\(t\)" (the month of measurement).
- \(C\) = The total quantity or volume of crude petroleum purchased or landed in the period "\(o\)" (the month of May 1973).

(2) For covered products other than special products (i=3):
\[
A_i = Q_i (V_i + B_i + G_i - H_o) - V_i
\]

Where:
- \(V\) = The volume or quantity of a product or products (the current month).
- \(B\) = The total volume of a specific covered product or products (the type purchased or landed in the period "\(t\)" (the month of measurement).
- \(G\) = The total volume of all covered products sold in the period "\(t\)" (the month of measurement).
- \(H\) = The lowest price at or above which at least 10 percent of the product or products of type "\(i\)" were priced in transactions during the month of May 1973 or, if none occurred in that month, in the month next preceding May 1973 in which such transactions occurred.

Allocation of increased-costs—
(2) General rule.
Where: 
- \(J\) = The total dollar amount of increased product costs attributable to sales of covered products of the type "\(i\)" for inclusion in price adjustments to covered products which are not recovered in sales of that product or in sales of products of the type "\(i\)" not recovered in sales of that product or in sales of products of the type "\(i\)" which must be carried forward pursuant to paragraph (d) of this section or pursuant to paragraph (b) of this section.

FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973
RULES AND REGULATIONS

The type of covered product is referenced by the subscript:

1 = No. 2 heating oil and No. 2-D diesel fuel
2 = LPG
3 = Gasoline
4 = All covered products other than special products and crude petroleum

The time period for measurement is referenced in the superscript; where:

m = The consecutive 3-month period of the preceding month
M = The most recent month
O = The month of measurement
P = The current month

The month of measurement is the month preceding the current month.

The time period for measurement is the month preceding the current month.

The current month. Quantities calculated for the current month will be estimates which should be based on the best available data.

(d) Carrying of costs. (1) If in any month beginning with October 1973, a firm charges prices for a special product which result in the recoupment of less total revenues than the entire amount of increased product costs calculated for that product pursuant to the general formula and allowable under paragraph (c)(1)(i) of this section and that increased amount of increased costs is not used to increase May 15, 1973 selling prices pursuant to paragraph (c)(2)(i) of this section, the amount of increased product cost not recouped may be added to May 15, 1973 selling prices to compute the base prices for that special product for a subsequent month. The total of increased allowable under (d)(1)(i) of this section may not include any amount represented by the symbol "H" in the formula in paragraph (c)(2)(i) of this section which pursuant to paragraph (c)(2)(ii) of this section the refiner has elected to include in a prior month in the calculation of the maximum permissible amount which may be used to adjust base prices of covered products for a subsequent month. The total of increased allowable under (d)(1)(i) of this section is equal to the product of the increased product costs which result in the recoupment of less total revenues than the entire amount of increased product costs calculated for that product pursuant to the general formula and allowable under paragraph (c)(1)(i) of this section, the excess revenues recouped must be subtracted from the May 15, 1973 selling prices for that special product for the subsequent month.

(2) If, in any month beginning with October 1973, a firm charges prices for covered products other than special products which result in the recoupment of less total revenues than the entire amount of increased product costs calculated pursuant to the general formula and allowable under paragraph (c)(1)(ii) of this section, the excess revenues recouped must be subtracted from the May 15, 1973 selling prices and the amount of increased product costs not recouped may be added to May 15, 1973 selling prices to compute base prices for covered products other than special products in the subsequent month provided that the amount of the increased product cost not recouped and included in computing the base prices of a particular covered product other than a special product is equally applied to each class of purchaser. The total amount of increased product costs not recouped includes any amount represented by the symbol "H" in the formula in paragraph (c)(2)(ii) of this section which is available for inclusion in price adjustments to special products in a previous month and which the refiner elected pursuant to paragraph (c)(2)(ii) of this section to include in the calculation of the maximum permissible amount which may be used to calculate base prices for covered products other than special products.

(e) Affiliated entities. For purposes of this section, transactions between affiliated entities may be used to calculate increased product costs. Whenever a firm uses a landed cost which is computed by use of its customary accounting procedures, the Council may allow such costs to be used in the calculation of the actual costs of those entities or the Council may disallow any costs which it determines to be in excess of proper measurement of costs.

6. Section 150.361 is amended in paragraphs (b)(3) and (d) to read as follows:

§ 150.359 Price rule: Resellers and retailers.

(a) Applicability. This section applies to each sale of a covered product by resellers, retailer-retailers, and retailers, and to each sale of crude petroleum except the first sale. For purposes of this section, a "reseller" includes any entity or subsidiary of a refiner which is engaged in the business of purchasing and reselling covered products, provided that the entity does not purchase more than 5% of such covered products from the refiner including any entities which it directly or indirectly controls and provided further that the entity has historically and consistently exercised the exclusive price authority with respect to sales by the entity.

§ 150.361 New item and lease rate.

(b) Base price determination.

(3) Resellers. A reseller, retailer-retailer or retailer, offering a new item, shall for purposes of applying the price rule of § 150.359 determine the May 15, 1973 selling price for that item as the price at which that item is priced in transactions at the nearest comparable outlet on the day when the item is first offered for sale. For purposes of computing the "increased costs," the cost of the item first offered for sale shall be used rather than the May 15, 1973 cost.

7. Section 150.363 is amended in paragraphs (a) and (b) by adding a sentence which reads as follows:

§ 150.363 Reports and recordkeeping.

(a) Reports **

(2) Refiners, retailers and resellers.

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Modification of Requirements for Pay Submissions to the Council

Part 152 is amended in Subpart A to eliminate certain requirements on pay submissions contained in § 152.5 with respect to a prenotification, report, challenge or request for approval of a pay adjustment submitted to the Council.

Prior to this amendment, § 152.5(a) required that the supplemental information detailed in § 152.5(b) be included in such submissions with the Council's Form PB-3 (or optional Form PB-3A, for units containing fewer than 1,000 employees). Unless otherwise required in this part, this supplemental information must now be provided only if the Council so orders.

The Council intends to reduce the administrative burden imposed on parties in preparing a submission to the Council. Additionally, the Council found that the detail of the information outlined in § 152.5(b) was not essential for appropriate analysis in every case.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the Economic Stabilization Program, the Council finds that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding this amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.


In consideration of the foregoing, Subpart A of Part 152 of Title 6, Code of Federal Regulations is amended as set forth below, effective December 6, 1973.


JAMES W. McLANE, Deputy Director,
Cost of Living Council.

In 6 CFR Part 152, § 152.5 is amended by revising paragraphs (a) and (b) to read as follows:

§ 152.5 Pay submissions to the Council.

(a) * * * Each refiner, * * *-

(1) General.—Unless otherwise provided in this part or by order of the Council, a prenotification, report, challenge, or request for approval of a pay adjustment submitted to the Council shall be made using the Council's Form PB-3 (or optional Form PB-3A, for units containing fewer than 1,000 employees). Such form shall be completed according
to instructions issued by the Council. In addition, the Council may in specific cases require the submission of the supplemental information described in paragraph (b) of this section. The instructions provided under the provisions of paragraph (b) of this section shall not be considered to modify the Form PB-3 or PB-3A or the instructions thereto, or the manner in which such forms are to be completed. Unless otherwise provided in this part, the provisions of this section shall not apply to submissions with respect to pay adjustments affecting employees in the food industry.

(b) Supplemental information. (1) Narrative description of all changes with potential economic impact. (2) Weighted estimates of these changes, both the old and new wage and salary benefit levels, as well as the extent of such changes within the following categories: (A) Straight-time hourly rates.—Straight-time hourly rates, including, but not limited to: (1) Pattern of base pay increase, e.g., merit increases on a variable timing basis, across the board occupational differences, etc. Describe increase in terms of percent and cents per hour increases; (2) Basis of cost of living adjustments, limitations on adjustments, formula for adjustments, total as well as time-weighted estimates of these adjustments, cents per hour increases in effect during current and immediately prior year, and length of time each increase has been or will be in effect; (3) Individual occupational rate changes resulting from occupational fectors such as rate inequities, job evaluation plan changes, skill or craft rate adjustments, etc.; (4) Changes affecting rates of pay or costs under production incentive programs; (5) Progression program increases such as accelerated step changes or accelerated automatic changes between job levels, etc.; and (6) Reduction in scheduled hours worked which affects the base rate.

[FR Doc. 73-20975 Filed 12-3-73; 1:04 pm]

[Docket No. SH-318]

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—DETERMINATION OF PRICES

PART 873—SUGARCANE; FLORIDA

Fair and Reasonable Prices for 1973 Crop

The Sugar Act requires producers who also process sugarcane grown by other
RULES AND REGULATIONS

producers to pay prices determined by the Secretary of Agriculture to be fair and reasonable as one of the conditions for utilization of the CCC's commodity payments on their own production.

Such determination may not be made until after investigation and opportunity for interested persons to testify on the facts. The Secretary of Agriculture, in determining the applicable fair and reasonable prices, or in determining that such prices do not reflect the true market value of raw sugar, because of insufficient volume or other factors, may designate the price to be effective under this part which he determines will reflect the true market value of raw sugar.

The definition of "price of raw sugar" remains in force and effect as to the crops to which they were applicable.

§ 873.31 General requirements.
§ 873.32 Definitions.

For the purpose of this part, the term:
(a) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange No. 10 domestic contract, except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that such price does not reflect the true market value of raw sugar, because of insufficient volume or other factors, he may designate the price to be effective under this part which he determines will reflect the true market value of raw sugar.

(b) "Season's average price of raw sugar" means (1) the weighted average price of raw sugar for the months in which 1973-crop sugar is delivered to the processor or refiner and (2) the weighted simple average of the daily prices of raw sugar for each month in which sugar is delivered to the purchaser by the quantity of 1973-crop raw sugar or raw sugar received by the processor's mill, or (2) the corresponding month, (or (3) the average price of raw sugar received by a processor who disposes of all his sugar under a single contract with a refiner or a cooperative sales organization composed of processors.

(c) "Raw sugar" means raw sugar, 96% basis.

(d) "Net sugarcane" means the gross weight of sugarcane delivered by a producer to a processor minus a deduction equal to the average percentage weight of trash delivered with all sugarcane harvested by a processor. If the mill receives both hand-cut and machine-cut cane, the average percentage weight of trash delivered with cane harvested by hand shall be computed separately from that harvested by machine and the applicable trash deduction applied to the gross weight of cane harvested by each method.

(e) "Trash" means green or dried leaves, stems, cane root, dirt, and other extraneous material delivered with sugarcane.

(f) "Standard sugarcane" means net sugarcane containing 12.5 percent sucrose in the normal juice.

(g) "Salvage sugarcane" means sugarcane containing less than 9.5 percent sucrose in the normal juice.

(h) "Average percent sucrose in normal juice" means the average percent crusher juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to factory crusher juice sucrose at the processor's mill; or (2) the average percent sample mill juice sucrose of the producer's sugarcane multiplied by a factor representing the ratio of factory normal juice sucrose to average sample mill juice sucrose analyses of producers' sugarcane.

(i) "Average percent sucrrose in undiluted juice" means the percentage of sucrose in undiluted juice as determined by multiplying factory di-

### Conversion of Net Sugarcane to Standard Sugarcane

<table>
<thead>
<tr>
<th>Quality Factor</th>
<th>Standard Sugarcane Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.5</td>
<td>0.70</td>
</tr>
<tr>
<td>10.0</td>
<td>0.75</td>
</tr>
<tr>
<td>10.5</td>
<td>0.80</td>
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<tr>
<td>11.0</td>
<td>0.85</td>
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<tr>
<td>11.5</td>
<td>0.90</td>
</tr>
<tr>
<td>12.0</td>
<td>0.95</td>
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<tr>
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<td>1.00</td>
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<td>14.5</td>
<td>1.20</td>
</tr>
<tr>
<td>15.0</td>
<td>1.25</td>
</tr>
</tbody>
</table>

The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in normal juice, the factory normal juice price shall be computed in proportion to the immediately preceding interval.

§ 873.33 Basic price.

(a) The basic price for standard sugarcane shall be not less than $.12 per ton for each one-cent per pound of the season's average price of raw sugar.

(b) The basic price for salvage sugarcane shall be as agreed upon between the processor and producer, subject to the approval of the State office.

§ 873.34 Conversion of net sugarcane to standard sugarcane.

Net sugarcane (except salvage sugarcane) shall be converted to standard sugarcane by multiplying the total quantity of net sugarcane delivered by each producer by the applicable quality factor in accordance with the following table:

<table>
<thead>
<tr>
<th>Standard Sugarcane Quality Factor</th>
<th>Net Sugarcane Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.5</td>
<td>0.70</td>
</tr>
<tr>
<td>10.0</td>
<td>0.75</td>
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<tr>
<td>10.5</td>
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<td>14.5</td>
<td>1.20</td>
</tr>
<tr>
<td>15.0</td>
<td>1.25</td>
</tr>
</tbody>
</table>

The quality factor for sugarcane of intermediate percentages of sucrose in normal juice shall be interpolated and for sugarcane having more than 15.5 percent sucrose in normal juice, the factory normal juice price shall be computed in proportion to the immediately preceding interval.

§ 873.35 Molasses payment.

The processor shall pay to the producer for each ton of net sugarcane...
delivered an amount equal to the product of 6.0 gallons times one-half of the excess above 4.75 cents per gallon of the weighted average net sales price per gallon of blackstrap molasses for the final molasses, based on L.O.B. tank truck or railroad car at mill, sold during the 12-month period ending May 31, 1974.

§ 873.36 Other related specifications.

(a) If the processor furnishes labor, materials, or services used in harvesting, loading, or transporting the producer’s sugarcane from the field to the delivery point(s) on the farm, the charge made for such labor, materials, or services may be as agreed upon between the two parties if the producer has the option of performing such operations himself or by contract with a third party. If contractual arrangements between the processor and producer preclude the producer from performing such operations himself or by contract with a third party, the charge made by the processor shall be limited to the actual direct costs of labor, materials, or services plus applicable overhead expenses which are generally accepted accounting principles: Provided, That the charge for overhead shall not exceed 10 percent of the actual direct costs of labor, materials, or services.

The price for sugarcane established by this part is applicable to sugarcane loaded on carts or trucks at the farm, or if sugarcane is transported by railroad, loaded in railroad cars at the railroad siding nearest the farm, and the processor is required to bear the cost of transporting sugarcane (gross weight) from such points to the mill. If sugarcane is transported to the mill by the producer, or by a common carrier, the producer may be required to bear the additional cost of transporting such sugarcane (based upon published tariffs) and the processor shall pay the producer 3 cents per ton for each mile such sugarcane is transported in excess of 14.9 miles, or if the producer transports sugarcane to the mill by other than railroad or other common carrier, the processor shall pay the producer 5 cents per ton for each mile such sugarcane is transported, but not in excess of 14.9 miles.

(c) Deductions for frozen sugarcane, fiber content determinations and deductions, definitions of delivery schedules and similar specifications employed in connection with the purchase of 1973-crop sugarcane shall be substantially in accordance with the general practices in Florida and as agreed upon between the producer and the processor.

(d) Nothing in paragraph (c) of this section shall be construed as prohibiting modification of customs and practices with the consent of the parties. However, in the event of unusual circumstances, any such modification shall be reported in writing by the processor to the State office.

(e) In the event a general freeze causes abnormally low recoveries of raw sugar by a processor in relation to the sucrose content of the sugar cane, payment for such sugar cane may be made as agreed upon between the producer and the processor subject to the written approval of the State office upon a determination by the State office that the payment is fair and reasonable.

(f) The processor shall submit to the State office for approval (1) a statement setting forth the weighted average price of raw sugar upon which settlements with producers are based; (2) a statement setting forth the gross proceeds and the handling and delivery expenses deducted in arriving at the weighted average net sales price of blackstrap molasses; and (3) if subject to the limitation set forth in paragraph (a) of this section, a statement setting forth for each producer the direct costs of labor, materials, and services, plus applicable overhead expenses, used in harvesting, loading, or transporting the producer’s sugarcane from the field to the farm delivery point.

§ 873.37 Toll agreements.

The rate for processing sugarcane produced and processed under a toll agreement by another processor shall be the rate agreed upon.

§ 873.38 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a cooperative processor is defined in 7 CFR 621.1); and to sugarcane purchased by a cooperative processor from non-members. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 873.39 Subterfuge.

The processor shall not reduce returns to the producer below those determined under requirements established in this part through any subterfuge or device whatsoever.

§ 873.40 Processor mill procedures and checking compliance.

The procedures to be followed by processors in determining net sugarcane, trash, average percent sucrose in normal juice, average percent sugar cane juice sucrose, factory normal juice sucrose, factory crusher juice sucrose, average percent sample mill juice sucrose, and other related mill procedures and required reports and handbooks 9-SU entitled “Sampling, Testing, and Reporting for Florida Sugar Processors,” copies of which have been furnished each processor, shall maintain on file for a period of 5 years records of the original data compiled for the reports required by Handbook 9-SU. The procedures to be followed by the State office in checking compliance with the requirements of this part are set forth under the heading “Fair Price Compliance” in Handbook 3-SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbooks 9-SU and 3-SU may be inspected at County ASCS offices and copies may be obtained from the Florida State ASCS Office, 401 Southeast First Avenue, Gainesville, FL 32601.

STATEMENT OF BASES AND CONSIDERATION

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the Fair Price Act, by a processor of sugar cane of the 1973 crop grown by other producers.

Requirements of the act. Section 301 (e) (2) of the act requires, as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugar cane, as may be determined by the Secretary, shall have paid or contracted to pay under either purchase or toll agreements, for sugar cane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary after investigation and due notice and opportunity for public hearing.

1973-crop price determination. This determination differs from the 1972-crop determination in the following respects:

(1) The molasses payment to producers is to be based on 6.0 gallons of blackstrap molasses per ton of sugar cane. Instead of paying, the processor is required to bear all of the 5-year average recovery; and (2) the charge for overhead expenses related to harvesting charges is limited to 10 percent. Other provisions of the prior determination continue to apply.

A public hearing was held in Belle Glade, Fla., on June 19, 1973, at which interested persons were afforded the opportunity to present testimony relating to fair and reasonable prices for 1973-crop Florida sugar cane. A representative of the Florida Sugar Growers Cooperative of Florida recommended that the same procedures for sampling of trash as contained in the 1972 determination remain in effect. A representative of the United States Sugar Corporation concurred with this viewpoint and stated that the present system for dividing mechanically-harvested and hand-harvested cane for sampling purposes is fair and equitable.

An independent producer of sugar cane recommends that the primary factor for standard sugarcane be increased from $1.12 to $1.28 for the 1973 crop since the sharing ratio between producers and processor is 70-30 based on his estimates.
of returns, costs, and investment ratios. He further recommended that the Department establish a direct cane analysis system in Florida and a core sampling requirement to eliminate trash and sampling problems.

Several supplemental briefs were filed subsequent to the hearing. Among them was a brief from the Glades Association of Independent Sugar Cane Growers, Inc., recommending that only parties making sworn statements at hearings be permitted to file briefs. The association also recommended that different criteria be used to evaluate the charitable relationship between the association members and their processor than are used for other Florida processors and their producers. The company that receives cane from an independent producer association submitted a supplemental brief for the purpose of answering statements made by the association representative at the hearing concerning the company’s relationship with the independent growers. With respect to money borrowed on warehouse sugar, the company stated that it uses such funds for the purpose of making advance payments to independent growers for the harvest of the crop and does not make a profit on these loans. They indicated a willingness to make changes in the existing procedures for handling warehouse sugar provided they are not required to bear the additional cost of any such requirements. They also stated that taking additional samples for individual grower trash analysis would greatly increase overhead costs, and that any change should be carefully considered since it would offset the balance established in the division of proceeds and costs of sampling operations.

Analysis of the relative positions of producers and processors indicates that the provisions of this determination will provide an equitable sharing of total returns based on sharing of total costs.

There is no evidence that producers have been charged back correctly to the independent growers for the cost of returning sugar supplies to the mill when making such advance payments to growers; and that they are willing to discuss the matter with their independent growers.

The Glades Association of Independent Sugar Cane Growers, Inc., requested that the Department enter the controversy concerning charges made by the processor for harvesting, loading, and transporting the member producers’ sugarcane. At the public hearing held in 1972 on fair prices for 1972-crop sugarcane, the Association made several recommendations concerning charges made by the processor for offshore labor expenses, infield hauling, and overhead. Since that time, the controversy over future charges for offshore labor expenses has been resolved. The independent growers desired that such expenses be prorated to the producer at 15 percent of total costs and mill affiliated—as a flat charge per ton of sugarcane rather than as a percentage of each producer’s direct harvesting labor costs. A ruling in March 1977 by the Florida Supreme Court on the matter of settlement with producers required the processor in question to compute offshore labor expenses for the 1971-72 and subsequent crops on a per bag basis and then prorated to the State committee’s decision and agreed to comply with the ruling.

With respect to infield hauling charges, the mill accepting the independent growers’ cane for processing first contracts with independent trucking firms to haul cane both in the field and over the road to the mill. Those trucking firms charge the processor a specific fee per ton of cane for the infield portion of the haul and a specific fee per ton-mile for the out-of-field portion. The Office of the Inspector General of the Department has indicated, as a result of an investigation, that it is improper for the processor to charge the producer for labor, materials, and services, that infield hauling charges have been charged back correctly to the growers. In view of the Inspector General’s report and the Department’s belief that the charges are actual direct costs, the independent growers’ request of last year that infield hauling charges be reduced has not been adopted. In further regard to the controversy between the independent growers and the processor, the Department is aware that the processor has established several hauling zones as a basis for pricing services furnished for transportation. One zone is a so-called “free-haul zone” which is close enough to the mill to permit the use of cane carts to transport the cane directly without further handling, while the cane in the other zones must be transported by truck because of distance from the mill or lack of enough equipment to haul additional cane by carts. Moreover, the processor considers the “free-haul zone” an extension of their cane yard, used to keep the mill in operation when cane supply from more distant fields is interrupted. The Department has never recognized these company-established hauling zones as a means of charging growers for cane transportation.

The hauling zones were established by the processor to determine the type of equipment used to haul cane to the mill and the need for a steady flow of cane to the mill rather than on a geographic basis. The Department will not make a ruling which will require the processor to purchase additional cane carts in order to transport independent grower cane included in an artificial geographical construction of the “free-haul zone”. It is believed that the structure and definition of hauling zones is a matter for negotiation between the processor and producers.

In regard to overhead charged by the processor for services performed, the independent processors recommended last year that the processor be required to prorate applicable overhead costs on a per ton basis rather than as a percentage of the total costs of harvesting, loading, and transporting sugarcane. The Department has found that contractual agreements between the processor and some of the independent growers for the sharing of overhead as a flat fee per ton of cane. Such contracts stipulate that overhead will be charged at the rate of 10 percent of the total costs of services performed. Contractual agreements between the processor and other growers do not stipulate a specific rate. The Department has been aware, however, that these growers have been charged overhead at the rate of 10 percent of total costs even though their contracts with the processor do not specify that rate. In view of the contractual arrangements entered into by the processor and some growers, and also of the Department’s belief that the method used by the processor in prorating overhead expenses is proper under generally accepted accounting principles, the Department has not required the processor to prorate overhead on a per ton basis. In view of the overhead costs actually being incurred by the processor, the Department has not taken any action in regard to the overhead charges to the growers, and by releasing Sugar Act payments to the processor-producer, has facilitated approved such rate as fair and reasonable. However, it is deemed advisable to establish a maximum rate on the overhead expenses that may be charged back to the processor for services performed by the processor. Therefore, this determination establishes a maximum rate of 10 percent of total costs as the limitation on overhead.

The recommendation that the out-of-field hauling distance for which the processor must bear the cost be extended from 14.9 miles to 20 miles has not been adopted. Prior determinations have required the processor, once it takes delivery of the sugarcane at the farm delivery point, to bear the cost of transporting the cane to the mill up to a distance of 14.9 miles. The producer may be re-
CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—SECURITY SERVICING AND PROTECTION

[PHFA Instruction 471.1]

PART 1873—CERTIFICATE OF BENEFICIAL OWNERSHIP AND INSURED NOTES

Issuance and Redemption of Certificates by Reserve Bank

On pages 31447—31448 of the Federal Register of November 14, 1973, there was published a notice of proposed regulations for issuance, transfer, and redemption of certificates of Beneficial Ownership issued by a Federal Reserve Bank. New Subpart B, “Book-Entry Procedure by FHA Securities—Issuance and Redemption of Certificates by Reserve Bank” permits issuance of certificates in bearer, registered, and book-entry form. The references in §1873.17 Registered securities has been corrected to read §1873.17(a) and §1873.17(c), and several editorial corrections have been made for clarification.

Proposed Subparts A, C, D, and E of Part 1873, published on pages 31012 to 31016 of the Federal Register of November 9, 1973, will be adopted after the expiration of the comment period and consideration of any comments that may be received. Comments on those subparts must be submitted on or before December 10, 1973.

Interested persons were given 15 days in which to submit comments, suggestions, or objections regarding the proposed regulations. No written objections were received and the proposed regulations are hereby adopted without change, and are set forth below.

Effective date. These regulations are effective on December 6, 1973.


ARTHUR C. HARMAN, Jr.,
Acting Administrator,
Farmers Home Administration.

Subpart B—Book-Entry Procedure for FHA Securities—Issuance and Redemption of Certificates by Reserve Bank

§1873.11 Definition of terms.

As used in this Subpart, the following definitions will apply:

(a) "Reserve Bank" means the Federal Reserve Bank of New York (and any other Federal Reserve Bank which agrees to issue Farmers Home Administration (FHA) securities in book-entry form) acting as fiscal agent of the United States on behalf of FHA and, when indicated, acting in its individual capacity.

(b) "FHA security" means a certificate representing beneficial ownership of notes, bonds, debentures or other similar obligations held by FHA under the Consolidated Farm and Rural Development Act and Title V of the Housing Act of 1949, issued in the form of a definitive FHA security or a book-entry FHA security.

(c) "Definitive FHA security" means a FHA security in engraved or printed form.

(d) "Book-entry FHA security" means a FHA security in the form of an entry made as prescribed in this subpart on the records of a Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in FHA securities as collateral for loans or advances, or to secure deposits of public money or the performance of an obligation.

(f) "Date of call" is the date fixed in the official notice of call published in the Federal Reserve Bulletin on which FHA will make payment of the security before maturity in accordance with its terms.

(g) "Member bank" means any national bank, state bank, bank or trust company which is a member of a Reserve Bank.

§1873.12 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized in accordance with the provisions of this subpart to:

(a) Issue book-entry FHA securities by means of entries on its records which shall include the name of the depositor, the amount, the securities title (or series) and maturity date.

(b) Effect conversions between book-entry FHA securities and definitive FHA securities.

(c) Otherwise service and maintain book-entry FHA securities.

(d) Issue a confirmation of transaction in the form of entries on its records which specifies the amount and description of any securities (that is, the securities title (or series) and the maturity date) sold or transferred and the date of the transaction.
§ 1873.13 Scope and effect of book-entry procedure.

(a) A Reserve Bank as fiscal agent of the United States acting on behalf of FHA may apply the book-entry procedure provided for in this subpart to any FHA securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will otherwise, not being a Reserve Bank in its individual capacity, not be entitled to have consented to their conversion to book-entry FHA securities pursuant to paragraphs (a) and (f) of §1873.17. A Reserve Bank (in its individual capacity) for advances by it, for any FHA securities and any interest therein.

(b) The application of the book-entry procedure under paragraph (a) of this section shall not derogate from or affect any judgment or decree of courts.

(c) The application of the book-entry procedure shall be subject to such further limitations as may be prescribed by the Reserve Bank.

§ 1873.14 Transfer or pledge.

(a) A transfer or pledge of book-entry FHA securities in a Reserve Bank shall:

(1) Have the effect of a delivery in bearer form of definitive FHA securities.

(2) Have the effect of a taking of delivery by the transferee or pledgee.

(3) Constitute the transferee or pledgee a holder.

(4) If a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry FHA securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, therefore or thereafter, perfected or perfected under paragraph (b) of this section or in any other manner.

§ 1873.15 Withdrawal of FHA securities.

(a) A depositor of book-entry FHA securities may withdraw them from a Reserve Bank by requesting delivery of like definitive FHA securities to itself or on its order to a transferee.

(b) FHA securities which are actually in bearer form may be delivered upon withdrawal from a book-entry account maintained by a Reserve Bank may be made through a telegraphic transfer procedure.

(d) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 1873.16 Delivery of FHA securities.

A Reserve Bank which has received FHA securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breaches of fiduciary duty even though the depositor had no right to dispose of or to act in the absence of the instructions of the depositor.

§ 1873.17 Registered securities.

No formal assignment shall be required for the conversion to book-entry FHA securities of registered FHA securities held by a Reserve Bank (in either its individual capacity or as fiscal agent of the United States).
applicable, shall be to Federal Reserve Bank of ..., as fiscal agent of the United States acting on behalf of Farmers Home Administration, United States Department of Agriculture, for conversion to book-entry Farmers Home Administration securities.

§ 1873.18 Servicing book-entry FHA securities, payment of interest, payment maturity or upon call.

Interest becoming due on book-entry FHA securities shall be charged to the general account of the Treasurer of the United States on the interest due date and credited in accordance with the depositor's instructions. Such interest shall be redeemed and charged to the same account on the date of maturity or call, and the redemption proceeds, principal, and interest shall be disposed of in accordance with the depositor's instructions.

§ 1873.19 Issuance and redemption.

(a) In those instances where the Reserve Bank is acting as fiscal agent of the United States acting on behalf of FHA, the following subparts of Treasury Circular No. 300 (31 CFR Part 309), so far as applicable, shall apply to such certificates:

(1) Subpart B, Registration.
(2) Subpart C, Transfers, Exchanges and Reissues.
(3) Subpart D, Redemption or Payments.
(4) Subpart E, Interest.
(5) Subpart F, Assignments of Registered Securities-General.
(6) Subpart G, Assignments by or in Behalf of Individuals.
(7) Subpart H, Assignments in Behalf of Estates of Deceased Owners.
(8) Subpart I, Assignments by or in Behalf of Trustees and Similar Fiduciaries.
(9) Subpart J, Assignments in Behalf of Private or Public Organizations.
(10) Subpart K, Attorneys in Fact.
(12) Subpart M, Requests for Suspensions of Transactions.
(13) Subpart N, Relief for Loss, Theft, Destruction, Mutilation, or Defacement of Securities.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of VOR Federal Airway and Revocation of VOR Federal Airways

On October 19, 1973, a notice of proposed rule making (NPRM) was published in the Federal Register (38 FR 29090) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new east alternate VOR Federal Airway between Indianapolis, Ind., and Kokomo, Ind., and revoke airways between Indianapolis and Marion, Ind., and between Cincinnati, Ohio, and York, Ky.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 G.M.T., January 31, 1974, as herinafter set forth.

Section 71.123 (38 FR 307) is amended as follows:

1. In V–257, “Grand Canyon; 7 miles, 71 miles 125 MSL, Bryce Canyon, Utah,” is deleted, and “Grand Canyon; 36 miles 12 AGL, 40 miles 12 AG, Bryce Canyon, Utah,” is substituted therefor.


CHARLES H. NEWPOUL, Acting Chief, Airspace and Air Traffic Rules Division.

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 111—SYSTEM OF ACCOUNT CLASSIFICATIONS FOR SMALL BUSINESS INVESTMENT COMPANIES

Deletion of Part

Revision 5 of Part 107 of the Small Business Administration's regulations governing small business investment companies, as published on November 7, 1973 (38 FR 30393), no longer makes the system of account classifications for small business investment companies heretofore published as Part 111 of the Small Business Administration's regulations, a requirement of these regulations, as was the case under Revisions 3 and 4. A footnote to § 107.1 of Revision 5 explains that it will henceforth be separately published, and distributed by the Small Business Administration to all licensees and other interested parties. Accordingly, Part 111 is hereby repealed in its entirety, effective November 7, 1973.


LOUIS F. LAUN, Acting Administrator.

[FR Doc.73–25814 Filed 12–5–73; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Airways

On October 15, 1973, a notice of proposed rule making (NPRM) was published in the Federal Register (38 FR 29672) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal Airway No. 257 between Grand Canyon, Ariz., and Bryce Canyon, Utah, by extending the 1,500 foot AGL floor of that airway segment from 7 miles north of Grand Canyon to 38 miles north of Grand Canyon.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 G.M.T., January 31, 1974, as hereinafter set forth.

Section 71.123 (38 FR 307) is amended as follows:

3. V–257 is amended to read:

1. In V–11, “Marion, Ind., including Marion 189° radial,” is deleted and “Marion, Ind., 1 is substituted therefor.


3. V–283 is amended to read:

From Indianapolis, Ind., via Kokomo, Ind., including Kokomo 182° radial; Goshen, Ind., South Bend, Ind., Kalamazoo, Mich., and Grand Rapids, Mich., 167° radial; Grand Rapids; to White Cloud, Mich.

(See 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1656(c))).


CHARLES H. NEWPOUL, Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–25838 Filed 12–5–73; 8:45 am]

Airspace Docket No. 73–57–16

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 38793 of the Federal Register dated October 16, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Crookston, Minnesota. Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective January 31, 1974.

(See 307(a), the Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1656(c))).
Mina, Nev. W/P; Wheel, Nev. W/P; 167.3; Part 95 of The Federal Aviation Regulations pursuant to the authority delegated to the Administrator and that good cause exists for notice and procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making it effective in less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5663), Part 95 of The Federal Aviation Regulations is amended as follows, effective January 3, 1974 as follows:

1. By amending Subpart C as follows:

§ 95.5500 High altitude RNAV routes [Amended]

From to: total distance; changeover point distance from geographic location; track angle; MEA; and MAA

350R is amended to read in part:

Mina, Nev. W/P; Wheel, Nev. W/P; 167.3; 150.8; Mina, 064/244 to COP; 067/247 to Wheel, 18,000; 45,000.

Wheel, Nev. W/P; Creektown, Colo. W/P; 94.8; 474; Wheel, 067/247 to COP; 068/248 to Copper Mountain.

RNAV WAYPOINT NAME CHANGES


[FAR Doc. 73-22530 Filed 12-5-73; 8:45 am]

[Reg. Docket No. 1388; Amdt. 96-240]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over the airspace extending upward from 1,200 feet above the surface with a 5½-mile radius area to 8 miles northeast of the Grand Forks VORTAC between 7 November 1973.


R. O. Ziegler, Acting Director, Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

Crookston, Minn.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius area to 8 miles northeast of the Grand Forks VORTAC between 7 November 1973.

In § 95.377 (FR Doc. 73-23487), the following SIAPs are added to read in part:

From: to; MEA and MAA

Bumble, Tex., VORTAC; Houston, Tex., VORTAC; 18,000; 45,000.

Houston, Tex., VORTAC; United States-Mexico border; 237,000; 45,000. ZMEAA is established with a gap in navigation signal coverage.


JAMES M. VINES, Chief, Aircraft Programs Division.

[FR Doc. 73-23586 Filed 12-5-73; 8:45 am]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference the changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to provide improved safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Form 3139, 8260-3, 8260-4, and 8260-5 and made a part of the IFR rule making at a rate of $150.00 per annum from the Superintendent of Documents, U.S. Government, Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be purchased at $20.00 annually.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified.

1. Section 97.23 is amended by originating, amending, or canceling the following VER-VOR/DME SIAPs, effective January 17, 1974.

Burton, S.D.—W. W. Howes Municipal Arpt., VOR Rwy 12, Amdt. 14

Indianapolis, Ind.—Indianapolis Municipal/Weir-Cook Arpt., VOR Rwy 15B, Amdt. 19

Knoxville, Tenn.—Tribute Island Arpt., VOR Rwy 12, Amdt. 19

Lancaster, S.C.—Lancaster Arpt., VOR/DME, Amdt. 2

Parkersburg, W. Va.—Wood County Airport, VOR Rwy 21, Amdt. 9

Roanoke, Mich.—Romero Arpt., VOR/DME—A, Orig.

South Boston, Va.—William M. Tuck Arpt., VOR—Amdt. 4

Wankeshia, Wis.—Wankeshia County Arpt., VOR—Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the fol-
lowing SDF-LOC-LDA SIAPs, effective January 17, 1974.

Denver, Colo.—Stapleton Intl. Arpt., LOC (BC) Rwy 17, Amdt. 9
Barrow, W. W. W., Howes Municipal Arpt., LOC Rwy 12, Original, Canceled
Indianapolis, Ind.—Indianapolis Municipal/Weir-Cook/Arpt., LOC (BC) Rwy 18R, Amdt. 4
Indianapolis, Ind.—Indianapolis Municipal/Weir-Cook/Arpt., LOC (BC) Rwy 22R, Amdt. 8
Juneau, Alaska—Juneau Municipal Arpt., LOC Rwy 24, Amdt. 1

1. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective January 17, 1974.

Denver, Colo.—Stapleton Intl. Arpt., LOC Rwy 30R, Amdt. 4, Canceled
San Antonio, Tex.—San Antonio Intl. Arpt., LOC (BC) Rwy 30L, Amdt. 4, Canceled

3. Section 97.27 is amended by originating, amending, or canceling the following RNAV SIAPs, effective January 17, 1974.

Indianapolis, Ind.—Indianapolis Municipal/Rawlings, Amrd. 4

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, effective January 17, 1974.

Denver, Colo.—Stapleton Intl. Arpt., Radar-1, Amdt. 12
Indianapolis, Ind.—Indianapolis Municipal/Weir-Cook/Arpt., Radar-1, Amdt. 19

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective January 17, 1974.

Columbus, Ind.—Buckalar Municipal Arpt., RNAV Rwy 22, Orig.
Indianapolis, Ind.—Indianapolis Municipal/Weir-Cook/Arpt., RNAV Rwy 41, Amdt. 2
Waukesha, Wisconsin—Waukesha County Arpt., RNAV Rwy 10, Orig.


JAMES M. VINES, Chief, Aircraft Programs Division.

Title 15—Commerce and Foreign Trade

SUBCHAPTER B—EXPORT REGULATIONS

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Discontinuance of Agricultural Export Monitoring Program and Monitoring of Fertilizers

I. DISCONTINUANCE OF AGRICULTURAL EXPORT MONITORING PROGRAM

The Department of Commerce notifying requirement on exports of commodities is hereby discontinued. This action has been made possible by the Department of Agriculture's effective implementation of the reporting requirements in section 812 of the Agriculture and Consumer Protection Act of 1973, Public Law 93-86.

Supplements No. 1 and No. 2 [Deleted] § 376.3 [Deleted]

Accordingly, § 376.3 and Supplements No. 1 and No. 2 to Part 376 of the Export Administration Regulations are deleted.


II. MONITORING OF FERTILIZERS

Increasing concern over the supply-demand situation with respect to certain fertilizers and related chemicals has led the various Federal agencies involved in economic and agricultural policy to seek timely information with which to assess the supply and pricing of fertilizer materials. Adequate supplies of fertilizers for domestic uses are considered essential to the Administration's goal of significantly expanding agricultural output and thereby stabilizing food prices. To provide the required information, a monitoring system is hereby established to obtain information for selected commodities with respect to the following:

a. Production
b. Inventories
c. Shipments (foreign and domestic)
d. Foreign orders, including destinations and timing of anticipated foreign shipments

e. Prices

All the above information will be given confidential treatment. Data is to be furnished (in short tons) by producers and exporters of the following commodities:

Schedule B No. Commodity description

371.3010 Florida phosphate hard rock and Florida land phosphate

518.6110 Ammonia (anhydrous or in aqueous solution) fertilizer grade

561.1006 Urea (fertilizer material)

561.1010 Ammonium nitrate and ammonium nitrosoate

561.1015 Ammonium sulfate

561.2910 Concentrated superphosphate, 40 percent or more available phosphorus

561.9055A Diammonium phosphate fertilizers

561.9055B Other ammonium phosphate fertilizers

561.9070 Mixed chemical fertilizers, except ammonium phosphates

Accordingly, the Export Administration regulations (15 CFR Part 376) are amended by adding a new § 376.5 and adding new Supplement No. 3 to Part 376, to read as follows:

§ 376.5 Monitoring of fertilizers.

(a) Submission of reports. Reports are to be submitted by producers, exporters and importers of the fertilizer materials listed in Supplement No. 3 to this Part 376. Reports shall be submitted on Form DB-661P, "Report by Fertilizer Exporter," with respect to export information, and Form DB-662P, "Report by Fertilizer Producer or Importer," with respect to domestic information.

Reports may be hand-carried to Room 1613, Main Commerce Department Building, 14th and E Streets, N.W., Washington, D.C.; sent by Telex (929336) or TWX (710-822-0181); or mailed to:

Office of Export Administration
P.O. Box 7138
Ben Franklin Station
Washington, D.C. 20044

* The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

* Forms are available from any Department of Commerce Desk Officer or from the Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C.
shall be treated as confidential under section 7(c) of the Export Administration Act of 1969, as amended.

(d) Report by exporters. Each exporter of one or more commodities listed in Supplement No. 3 shall twice each month submit reports on Form DIB-661P, beginning with a report covering the period November 16 through December 30, 1973. The reports shall provide, on a commodity by commodity basis, such information as to each commodity, the quantity in short tons and average price per short ton (except with respect to those commodities for which Supplement No. 3 states that price may be omitted) of: (1) Unfilled accepted export contracts on hand for shipment during 1974 as of the beginning of the semi-monthly reporting period; (2) new export shipments during the reporting period; (3) export contracts cancelled during the reporting period (omit average price); (4) export shipments during the reporting period; and (5) uncancelled accepted export contracts on hand for shipment through 1974 as of the end of the semimonthly reporting period. In addition, the reports shall include data for each country of ultimate destination, the quantities expected to be shipped during the reporting period; and the average price for the reporting period (omit average price).

(3) Inventory. The term "inventory" means a listed commodity held and owned by a reporting producer, whether for raw material or as a result of the producer's processing. Commodity held in inventory is considered to be in inventory until such time as it is processed into another commodity or returned to the reporting producer. Commodity held in inventory is not reported regardless of the reason for the change.

(4) Importer. The term "importer" means a party who brings listed commodities into the United States under U.S. Customs Service consumption entry. All producers subject to these reporting requirements must report their imports.

(5) Domestic price. The term "domestic price" means the price per short ton bulk f.o.b. the plant at which the commodity is produced. The f.o.b. plant basis is to be used for reporting domestic commodities. The price of any imported commodity is to be reported regardless of the reason for the change.

(6) Domestic shipments. The term "domestic shipments" includes all shipments by the producer except those with respect to which the producer is the eventual exporter (as hereinafter defined). Domestic shipments shall be reported at the point the commodity is treated on the manufacturing or processing plant. The reporting party shall be responsible for reporting shipments for domestic consumption. Domestic shipments are to be reported on Form DIB-661P, beginning with the report covering the period November 16 through December 30, 1973. The reports shall provide, on a commodity by commodity basis, such information as to each commodity, the quantity in short tons and average price per short ton (except with respect to those commodities for which Supplement No. 3 states that price may be omitted) of: (1) Uncancelled accepted export contracts on hand for shipment through 1974 as of the beginning of the semi-monthly reporting period; (2) new export shipments during the reporting period; (3) export contracts cancelled during the reporting period (omit average price); (4) export shipments during the reporting period; and (5) uncancelled accepted export contracts on hand for shipment through 1974 as of the end of the semimonthly reporting period. In addition, the reports shall include data for each country of ultimate destination, the quantities expected to be shipped during the reporting period; and the average price for the reporting period (omit average price).

(7) Sales not subject to reporting. Re-sales of commodities that, subsequent to their purchase by the reporting producer, have not been processed, mixed, or treated in a manner that would change their Schedule B classification, shall not be reported as domestic shipments. The reporting requirement is on producers, hence a sale of a commodity, even though...
the commodity was properly reported as being in inventory, that is not produced by the reporting firm, the entries for such commodities should not be reported by him.)

(8) Exporter. The term “exporter” means the principal U.S. party in interest in the export transaction, i.e., the party controlling the movement of the commodity out of the country. Unless otherwise determined on an individual basis by the Office of Export Administration, the exporter is the party submitting the Shipper’s Export Declaration (Commerce Form 7525-V). The exporter has the sole responsibility of reporting, whether the exporter employs a freight forwarder to handle the shipping of the material or delivers the material to a carrier for export out of the country.

(9) Export shipments. The term “export shipments” includes all shipments out of the United States (as defined in § 370.2 of the Export Administration Regulations) by a producer or other party who is the actual exporter as defined above. In no case should exporters include shipments for foreign consumption for which the exporter is not the actual exporter. Such shipments shall be reported on Form DIB-661P.

(10) Export price. The term “export price” means the price per short ton at the U.S. port of export. This is the same as the value required on Form 7525-V, Shipper’s export declaration, reduced to a per-short-ton basis. This is the price basis to use in reporting on Form DIB-661P.

(11) Export contract. The term “export contract” means an agreement in writing or other legally binding commitment containing a fixed price or fixed mechanism for determining price under which an exporter agrees to export a listed commodity. December 31, 1974.

(12) Country of ultimate destination. The term “country of ultimate destination” means the country to which a commodity is being exported for ultimate use. An intermediate country being used for transshipment, bagging, or other operation that does not materially alter the essential nature of the commodity should not be reported as the country of ultimate destination.

(13) Date of export. The term “date of export” means the day on which the exporting carrier is scheduled to depart the United States.

The overall quota for the first quarter of 1974 will be 2,100,000 short tons. Of this amount, 100,000 short tons will be set aside for contingencies and hardships, with a specific portion reserved for non-historic exporters.

The remaining 2,000,000 short tons will be divided among destinations as follows:

- Argentina 34,000
- Canada 20,000
- European Community (Belgium, Denmark, France, Ireland, Italy, Luxembourg, Netherlands, United Kingdom, and West Germany) 3,897,400
- Greece 22,000
- Japan 52,000
- Korean Republic 122,100
- Mexico 125,000
- Spain 182,000
- Taiwan 170,000
- Thailand 14,000
- Turkey 27,000
- Venezuela 88,000
- All other countries 91,600

Total, all countries 2,000,000
what policy might be adopted beyond the first quarter. The establishment of the above quota system for exports of ferrous scrap eliminates the need for the monitoring system established with respect to actual exports of ferrous scrap. Effective immediately, the reporting requirement with respect to Form IA-1094 is terminated. However, the reporting requirement with respect to anticipated exports (Form-632P) remains in full force and effect.

Outstanding 1973 licenses. In appropriate cases upon showing of delay due to the difficulties of arranging shipment or other sufficient cause, licenses issued for export of ferrous scrap during 1973 will be extended through January 31, 1974, upon request by the exporter to permit export shipment during the first quarter of 1974. Accordingly, the Export Administration Regulations (15 CFR Part 377) are amended:

§ 377.1 [Amended]
1. By deleting paragraph (c) (1) (iii) of § 377.1:

§ 377.4 [Amended]
2. By revising the heading of § 377.4 to read "Ferrous Scrap Export Licensing System for "1974": and
3. By adding a new § 377.4a to read as follows:

§ 377.4a Ferrous Scrap Export Licensing System for First Quarter 1974.

(a) Statement of past participation. In order to receive shares of the quotas, the exporter must submit a statement of past participation on Form DIB-661P to the Office of Export Administration (Attention: 4349), U.S. Department of Commerce, Washington, D.C. 20230. The statement to be eligible for consideration must be either—(1) mailed to the above address by certified mail, bearing a postmark by the U.S. Postal Service which is prior to January 10, 1973, or (2) hand delivered (with a receipt being retained on file) to the Office of Export Administration, Room 1613, Main Department of Commerce Building, 14th and E Streets, NW, Washington, D.C. 20229, no later than December 17, 1973. Such statement shall indicate (separately for each foreign country of destination, including countries which are members of the European Community) the quantities (in short tons) of each category of ferrous scrap (other than stainless steel scrap) by Schedule B number, which the exporter has reported to each such country during each calendar month during the period July 1, 1970 to June 30, 1973. Such statement must be signed by an authorized representative of the exporter. The statement will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended. A separate Form DIB-661P shall be submitted for each of the nine Schedule B classifications for which the exporter is seeking a quota share. For purposes of the statement, a party normally shall be considered to have been the exporter with respect to those shipments during the base period for which such party was named as the exporter on the Shipper's Export Declaration (Commerce Form 7525-V) filed in accordance with Part 386 of this chapter.

(b) [Reserved]

Effective date: November 30, 1973.

RAUER H. MEYER, Director,
Office of Export Administration.

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—SAFETY ASPECTS OF PRODUCTS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1508—REQUIREMENTS FOR FULL-SIZE BABY CRIBS

Banning of Hazardous Full-size Baby Cribs; Establishment of Safety Requirements

Correction

In FR Doc. 73-24647 appearing at page 32129 in the issue of November 1, 1973, the seventh line of § 1509.3 (a) on page 32132 should read "most surfaces of the crib end panels".

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 75-333]

PART 153—ANTIDUMPING

Polychloroprene Rubber From Japan


Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), gives the Secretary of the Treasury the responsibility for determining sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that polymerized chloroprene, commonly known as polychloroprene rubber, from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the Federal Register of August 2, 1973 (38 FR 20630).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on October 31, 1973, it notified the Secretary of the Treasury that an industry in the United States is being or is likely to be injured by reason of the importation of polychloroprene rubber from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the Federal Register of November 6, 1973 (38 FR 36583).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to polychloroprene rubber from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

<table>
<thead>
<tr>
<th>Merchandise</th>
<th>Country</th>
<th>T.D.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polychloroprene rubber</td>
<td>Japan</td>
<td>73-333</td>
</tr>
</tbody>
</table>


[SRK:] EDWARD L. MORGAN, Assistant Secretary of the Treasury.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES AND PROCEDURES

CFR Correction

In § 2.120 appearing on page 74 of 21 CFR Ch. I, revised as of April 1, 1973, paragraphs (b) and (e) were inadvertently omitted. Paragraphs (b) and (e) of § 2.120 are reinstated and the source note corrected to read as follows:

§ 2.120 Delegations from the Secretary and Assistant Secretary.

(b) The Assistant General Counsel in charge of the Division of Food, Drug, and Environmental Health has been authorized to report apparent violations to the Department of Justice for the institution of criminal proceedings, pursuant to section 205 of the Federal Food, Drug, and Cosmetic Act, section 4 of the Federal Import Milk Act, section 9(b) of the Federal Cautionary Poison Act, and section 4 of the Federal Hazardous Substances Act.

(c) The Assistant Secretary for Administration has been delegated (34 FR 18049, 35 FR 607) to the Commissioner of Food and Drugs, with authority to redelegate, the authority: To certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such; to certify that true copies are true copies of the entire file of the Department; to certify the complete original record or record of the nonexistence of records on file within the Department; and to cause the Seal of the Department to be affixed to such certifications and to agreements, awards, citations, diplomas, and similar documents.


Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[COD 78-1406-1]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Pascagoula River, Miss.

The amendment which added regulations for the U.S. 90 drawbridge across
the Pascagoula River to permit overhaul of operating machinery was first issued on July 12, 1973 and provided that they would begin on October 8, 1973 and end on January 4, 1974. It was subsequently determined that insufficient time was provided for the performance of this work. A new time frame to begin December 1, 1973 and end on April 15, 1974 provides this time. This rule is issued without notice of proposed rulemaking. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work. Accordingly, 33 CFR Part 117 is amended as follows:

§ 117.495 Pascagoula River, Mississippi U.S. 90 bridge.

* * From December 1, 1973 through April 15, 1974 from 8:30 a.m. to 12:30 p.m. and from 1:30 p.m. to 5:30 p.m. Mondays through Fridays except national holidays, the draw need not open for the passage of vessels.

Sec. 5, 23 Stat. 362, as amended, sec. 6(e)(2), 89 Stat. 207; 49 U.S.C. 499, 49 U.S.C. 1655(c); 49 CFR 1.46(c); 33 CFR 1.05-1(C)(4)

Effective date. This revision shall be effective from December 1, 1973, through April 15, 1974.


W. M. BENNET, Rear Admiral, U.S. Coast Guard.
Chief, Office of Marine Environment and Systems.

PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1-4.7—Architect-Engineer Services

Section 1-1.1003-7 Preparation and transmission.

(b) Architect-engineer services project notice. Each notice publishing procurement of architect-engineer services for negotiation shall be made by negotiation. Selection of architect-engineer firms for negotiation shall be based on demonstrated technical competence, qualifications necessary for the satisfactory performance of the type of professional services required, and any other requirements set forth by the individual procurement agency. Firms desiring automatic consideration for all future projects administered by the procurement office (subject to specific requirements for individual projects) are encouraged to submit annually a statement of qualifications and performance data, utilizing Standard Form 251, U.S. Government Architect-Engineer Questionnaire.

PART 1-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1-4.8—Architect-Engineer Services

Sec.
1-4.1000 Scope of subpart.
1-4.1001 General policy.
1-4.1002 Definitions.
1-4.1003 Public announcements.
1-4.1004 Selection.
1-4.1004.1 Establishment of architect-engineer evaluation boards.
1-4.1004.2 Functions of the evaluation boards.
1-4.1004.3 Evaluation criteria.
1-4.1004.4 Action by agency head or his authorized representative.
1-4.1004.5 Procedures for procurements estimated not to exceed $10,000.
1-4.1005 Negotiation procedures.
1-4.1006 Limitation on contracting with architect-engineer firms for construction work.
§ 1-4.1000 Scope of subpart.

This subpart contains the general policies and procedures for the procurement of professional architect-engineer services, both individually and together, by contract.

§ 1-4.1001 General policy.

Pursuant to Public Law 92-582 dated October 27, 1972, which amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471, et seq.), it is the policy of the Federal Government to publicly announce all requirements for architect-engineer services, and to negotiate contracts for architect-engineer services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

§ 1-4.1002 Definitions.

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

(b) "Agency head" means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

(c) "Architect-engineer services" are those professional services associated with research, development, design and construction, alteration, or repair of real property, as well as incidental services that members of those professions and those in their employ may logically or justifiably perform: Including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, inspections, shop drawing views, sample recommendations, preparation of operating and maintenance manuals, and other related services.

§ 1-4.1003 Public announcements.

To ensure the broadest publicity concerning the Government's interest in obtaining architect-engineer services, each agency head shall develop notices in accordance with § 1-1.1003 with respect to individual projects.

§ 1-4.1004 Selection.

§ 1-4.1004-1 Establishment of architect-engineer evaluation boards.

(a) Each agency head shall establish one or more permanent or ad hoc architect-engineer evaluation boards to be composed of an appropriate number of members who, collectively, have experience in architecture, engineering, construction, and procurement matters. Members shall be appointed from among highly qualified professional employees (intra-agency and interagency) and private practitioners (if provided for by agency procedures) engaged in the practice of architecture, engineering or related professions. One Government member of each board shall be designated as the chairman.

(b) No firm or organization shall be eligible for consideration for a contract where its principals or associates participated as a member of the evaluation board in the selection process for that project.

§ 1-4.1004-2 Functions of the evaluation boards.

Under the general authority of the agency head's technical staff, the agency architect-engineer evaluation boards shall perform the following functions:

(a) Collect and maintain current data, including files established on prospective and participating architects and engineers, including files established on recent and other clients, other services; architect-engineer fees shall not be considered in these discussions; and

(b) When procurement of architect-engineer services is proposed, the board shall review the data files on eligible firms, including files established on receipt of Standard Form 251 in response to the public notice of a particular contract, and evaluate the firms in accordance with § 1-4.1004-3. After making this review and technical evaluation, the board shall have chosen with not less than three of the most highly qualified firms regarding anticipated concepts and technical and staff qualifications, the qualifications of the architect-engineer fees shall not be considered in these discussions; and

(c) Prepare a report for submission to the agency head or his authorized representative in the order of preference, a minimum of three firms which are considered most highly qualified to perform the required services. This report shall include sufficient detail of the extent of the evaluation and review made and the considerations upon which the selection is based. Further, the report shall serve as an authorization to the contracting officer to commence negotiation.

(1) The chairman of the board shall perform the functions required under § 1-4.1004-2(b).

(2) The chairman of the board shall prepare a report in the same manner as prescribed by § 1-4.1004-2(c) except that the report shall be submitted to the agency head's representative for concurrence.

(3) The agency head's representative shall review the report and concur with the selection or return the report to the chairman for such action as he may consider necessary.

(4) Upon receipt of an approved report, the chairman of the board shall furnish the contracting officer a copy of the report which will serve as an authorization to commence negotiation.
§ 1—4.1005 Negotiation procedures.

§ 1—4.1005—1 General.

(a) Each agency head is responsible for negotiation of contracts for architect-engineer services. This responsibility may be delegated to a contracting officer. The contracting officer shall use the services of technical, legal, auditing, pricing, and other specialists in the agency to the extent deemed appropriate (see §§ 1-3.801-2 and 1-3.801-3). Negotiations shall be directed toward:

(1) Making certain that the architect-engineer has a clear understanding of the essential requirements;

(2) Determining that the architect-engineer will make available the necessary personnel and facilities to accomplish the work within the required time;

(3) Determining, where applicable, whether the architect-engineer can provide a design that will permit construction of the facility at a construction cost not to exceed the limit established for the project; and

(4) Reaching mutual agreement on the proposal or the contract, including a fair and reasonable price for the required work.

(b) The amount of the fee (price) that may be paid to an architect-engineer firm under a cost-reimbursement contract for the production and delivery of the designs, plans, drawings, and specifications may not exceed 6 percent of the estimated value of the total project, exclusive of the amount of the fee (see 41 U.S.C. 254). The statutory limitation shall apply also to the fee paid to an architect-engineer for the performance of such services under a fixed-price contract. This limitation shall be applied on an individual project basis.

§ 1—4.1005—2 Conduct of negotiations.

Negotiations shall be conducted initially with the architect-engineer firm given first preference under the procedures set forth in § 1—4.1004. If a mutually satisfactory contract cannot be negotiated with that firm, the contracting officer shall obtain a best and final offer, in writing, from the contractor, and with the assistance of his technical staff formally terminate the negotiation and notify the firm. Negotiations then shall be initiated with the subsequently listed firm in the order of preference and this procedure shall be continued until a mutually satisfactory contract has been negotiated. If negotiations fail with the listed firms, additional firms shall be selected in accordance with § 1—4.1004 and negotiations shall continue in the manner described above.

§ 1—4.1005—3 Independent Government estimate.

Prior to the initiation of negotiations, the procurement agency shall develop an independent Government estimate of the cost of the required architect-engineer services. A detailed analysis of the costs expected to be generated by the work. Consideration shall be given to the estimated value of the services to be rendered, the scope, complexity, and the nature of the project. The independent Government estimate shall be revised as required during negotiations to reflect changes in the scope or clarification of the scope of the work to be performed by the architect-engineer. On construction projects, a fee estimate based on the application of percentage factors to project cost estimates of the various segments of the work involved may be developed for comparison purposes. Such a cost estimate shall not be used as a substitute for the independent Government estimate.

§ 1—4.1005—4 Architect-engineer's proposal.

The contracting officer shall request the selected architect-engineer firm to submit its proposal with supporting cost or pricing data in accordance with §§ 1—3.807-3 and 1—3.807-4. Revisions of the proposal and supporting cost or pricing data may be made as required during negotiations to reflect changes in the scope or clarification of the scope of the work to be performed by the architect-engineer or findings derived from preaward audits conducted pursuant to § 1—3.809.

§ 1—4.1005—5 Contract price.

Subject to the provisions of § 1—4.1005—1(b), the contracting officer shall negotiate a price consistent with a fair and reasonable price for the required work based on a comparative study of the independent Government estimate and the architect-engineer's proposal. Significant differences between elements of the two figures and between the overall figures shall be discussed and the contracting officer shall ascertain the reasons therefor.

§ 1—4.1005—6 Record of negotiation.

Promptly at the conclusion of each negotiation, a memorandum setting forth the principal elements of the negotiations shall be prepared in accordance with § 1—3.811, for use by the reviewing authorities and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant considerations controlling the establishment of the price and other terms of the contract.

§ 1—4.1006 Limitation on contracting with architect-engineer firms for construction work.

§ 1—4.1006—1 Policy.

The award of a contract for architect-engineer services for a particular project and the award of a contract for the construction work to the same firm, a parent firm, or its subsidiaries or affiliates is prohibited except as otherwise provided by § 1—18.112.

§ 1—4.1006—2 Procedure.

An architect-engineer firm selected for negotiation of an architect-engineer services contract shall be informed of the requirements of § 1—4.1006—1 prior to the initiation of negotiations. If the firm possesses construction capabilities either within its own organization or through a parent firm, subsidiaries, or affiliates, the firm shall have the option of either:

(a) Declining to enter into contract negotiations so that its parent firm, subsidiaries, or affiliates will be eligible to compete for the related construction contract; or

(b) Entering into contract negotiations with the clear understanding that, if such negotiations are successful, its parent firm, subsidiaries, or affiliates will be ineligible to compete for the related construction contract.

§ 1—4.1007 Small business.

The policy of the Government that a fair proportion of contracts for services be awarded to small businesses is applicable without qualification to the award of contracts for architect-engineer services. In complying with this requirement, the provisions of Subpart 1—11 shall be followed.

PART 1—18—PROCUREMENT OF CONSTRUCTION

The table of contents for Part 1—18 is amended by the addition of the following new entry:

Sec.

1—18.113 Architect-engineer services contracts.

Subpart 1—18.1—General Provisions

Section 1—18.113 is added as follows:

§ 1—18.113 Architect-engineer services contracts.

Policies and procedures applicable to architect-engineer services contracts are set forth in Subpart 1—4.10 of this Title 41.

(305(c), 38 Stat. 360; 40 U.S.C. 486(c))

Effective date. This regulation is effective January 14, 1974, but may be observed earlier.


ARTHUR F. SAMISSON,
Administrator of General Services.

[FR Doc. 73—20915 Filed 12—6—73; 8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

(Amdt. E—196)

PART 101—25—GENERAL

Office Furniture and Furnishings

This regulation clarifies the definition of correspondence filing cabinets, updates the use standards for executive type office furniture and furnishings, and establishes eligibility criteria for furniture, carpeting, and draperies under the Office Excellence Program.

The table of contents for Part 101—25 is amended by adding the following entry:

Sec.


Subpart 101—25.1—General Policies

1. Section 101—25.104—2 is revised to read as follows:
§ 101-25.104—2 Purchase of new filing cabinets.

On the basis of the moratorium declared by the President, executive agencies shall not purchase new correspondence filing cabinets for use in the 50 States, the District of Columbia prior to receiving approval from GSA (see §101-26.308). This restriction includes conventional drawer-type cabinets and pull out shelf-type cabinets with side filing; it does not apply to fire resistant insulated file cabinets and those required for storage of classified records designated as security file cabinets by GSA. When agency needs for filing cabinets have been established and approved, acquisition may be accomplished through GSA (see §101-26.308).

Subpart 101-25.3—Use Standards

2 Section 101-25.302-1 is amended to read as follows:

§ 101-25.302-1 Executive type office furniture and furnishings.

(a) The use of executive type wood (traditional or modern) office furniture, whether new or rehabilitated, shall be limited to personnel in grade GS-15 or above or the equivalent thereto, including military rank. This furniture may be provided to personnel of lower grade, but not below grade GS-15, if the agency head or his designee determines that a particular position and responsibilities justify the use. Appropriate furnishings matching this type of office furniture shall be limited to these personnel, except that carpeting may be supplied for use of other personnel when it is determined to be justified in accordance with the provisions of §101-25.302-5. This type of office furniture includes desks, credenzas, carrels, lateral and vertical files, chairs, and other related furniture. The three lines are:

(1) General office line. This line of furniture features desks with either walnut or white leather pattern plastic-laminated tops with varied colored components, chairs with matching or accentuating color fabrics and accessories. This line includes filing cabinets with either walnut or white leather pattern plastic-laminated tops with varied colored components, chairs with matching or accentuating color fabrics and accessories. When agency needs for filing cabinets for use in the 50 States and the District of Columbia prior to receiving approval from GSA (see §101-25.302-5), it is determined to be justified in accordance with the criteria established by each agency for the use of furniture identified with this Program shall be in consonance with the bulleted provisions in this §101-25.302-8.

(a) Three lines of furniture including correlative accent pieces are available from GSA stock under the Office Excellence Program. Each of the lines includes desks, credenzas, carrels, lateral and vertical files, chairs, and other related furniture. The three lines are:

(2) Middle management line. This line of furniture features desks with distinguishable features such as bright polish chrome legs and hardware, reveal accent strips, flush end panel inserts, choice of wood-textured plastic-laminated wood tops for desks and other case pieces, and double shell plastic chairs with matching or accentuating color fabrics. Middle management officials are authorized to use this line of furniture. This line shall conform with the provisions of §101-25.302-5 and -7.

(b) The use of carpeting and draperies to provide the complete color treatment and desired acoustic qualities under the Office Excellence Program shall conform with the provisions of §§101-25.302-5 and -7.


Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3862]
[Oregon 7878]

OREGON

Withdrawal for National Forest Reserve and Recreation Area

Correction

The land description for Public Land Order 3862 in FR Doc. 73-15650 appearing at page 23327 in the issue for Tuesday, July 31, 1973, and corrected at page 22922 in the issue for Wednesday, August 15, 1973, should read as set forth below:

WHITMAN NATIONAL FOREST

Balm Creek Dam, Reservoir, and Recreation Area

Balm Creek Dam, Reservoir, and Recreation Area

T. 78N., R. 4E.
Sec. 1, SE1/4 SE1/4; Sec. 13, E1/4 NE1/4 and NE1/4 SW1/4.

T. 78N., R. 4E.
Sec. 6. lot 7. NW1/4 SE1/4, SE1/4 NW1/4, and SW1/4 SE1/4.

T. 78N., R. 3E.
lot 2, 3, 4, W1/4 NE1/4, E1/4 SW1/4, N1/4 NW1/4, SW1/4 NW1/4, SE1/4.

The area described aggregates 383.62 acres in Baker County.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[ FCC 78-1227]

PART 0—COMMISSION ORGANIZATION

Cable Television Bureau

In the matter of amendment of part 0, subpart A of the Commission's rules and regulations concerning organization of the Cable Television Bureau.

1. On June 13, 1973, the Commission adopted a formal organization for Cable Television Bureau without, however, describing functions for the approved divisions. It was intended that detailed divisional functional statements would be developed after the bureau has had some experience functioning under the new organization.

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33597
The bureau implements the Commission's cable television regulatory program, and performs the work and activities involved in the licensing and regulation of cable television relay stations, in coordination with the Broadcast Bureau.

2. Section 0.86 is redesignated 0.85.

§ 0.84 Functions of the Bureau.

The Cable Television Bureau develops, recommends, and administers policies and programs with respect to the regulation of cable television systems and related private microwave radio facilities. The Bureau implements the Commission's cable television regulatory program, and performs the work and activities involved in the licensing and regulation of cable television relay stations, in coordination with the Broadcast Bureau.

3. Sections 0.86 to 0.90 are added, to read as follows:

§ 0.86 Office of the Chief of the Bureau.

The immediate office of the Bureau Chief is responsible for planning, developing, directing and executing all the functions of the Bureau.

§ 0.37 Certificate of Compliance Division.

The Certificate and Compliance Division is responsible for the following:

(a) Plan, develop, and direct the activities of the Division.

(b) Process applications for certificates of compliance.

(c) Revise existing or develop new reporting forms to obtain data and information required in the regulation of cable television.

(d) Conduct continuous studies to analyze trends and relationships in the cable television industry.

(e) Assist the Policy Review and Development Division in determining potential impact of policy proposals.

(f) Keep abreast of current and future technical developments.

(g) Staff special advisory committees.

(h) Participate in Congressional hearings, meetings and conferences with representatives of Federal agencies and State and local governments, and industry organizations and groups concerned with problems related to cable television systems.

(i) Confer with government and industry groups interested in economic and technical problems relating to cable television systems.

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments.

In the matter of amendment of Secs. 73.202(b), Table of Assignments, FM Broadcast Stations. (Lebanon, Missouri; Poteau, Oklahoma; and Gulfport, Mississippi)

1. The Commission here considers the three unrelated FM assignment proposals upon which notice of proposed rule making was released herein on May 14, 1973 (FCC 73-491, 38 FR 13029), in response to petitions. The petitioners and the FCC assignments they seek are as follows:

RM-1957—Channel 221A to Lebanon, Missouri (Lebanon Broadcasting Company)

RM-1952—Channel 221A to Poteau, Oklahoma, in place of Channel 225A at Poteau (Le Flore County Broadcasting Company)

RM-1957—Channel 24A to Gulfport, Mississippi (Dox Partridge and Houston L. Pearce)

In discussing these proposals individually below, all population information is from the 1970 U.S. Census Reports unless otherwise indicated.

RM-1957, Lebanon, Missouri

2. Channel 221A is proposed for a second FM assignment to Lebanon (population, 8,619), the largest community and seat of Laclede County (population 19,944) by Lebanon Broadcasting Company, licensee of Station KLWT, a Class IV AM broadcast station at Lebanon. The only FM assignment at Lebanon and in

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Laclede County at present, Class C Channel 279, is occupied by Station KJEL-FM, authorized to Risner Broadcasting, Inc. (Risner). Risner is also permitted of Station KJEL, a daytime-only AM broadcast station, the only other AM station at Laclede and in Laclede County.1 Supporting comments and reply comments received from Lebanon Broadcasting on the proposal at issue justified our decision to apply for the requested FM channel and to assign it to Lebanon and, if authorized, to proceed expeditiously to construct and place a new station in operation. Oposing comments and reply comments on the proposal were filed by Risner, who also opposed rule making on it.

1. A community the size of Lebanon would not normally qualify for a second FM assignment or, since it has a Class C assignment, for a Class A assignment under our FM assignment guidelines. The 32 mile radius criterion is not so rigidly applied, however, as to preclude a proposal which would be more compatible with the public interest and our objectives for a fair, efficient, and equitable distribution of FM channels throughout the country. Having considered the Channel 221A proposal for Lebanon further in light of all the comments directed to it by the proponent and opponent, we are persuaded that in the circumstances presented, this is an appropriate case for not applying the guidelines to block opportunity for Lebanon to have a second local FM outlet and that the requested assignment is warranted.

4. The original comments of Lebanon Broadcasting, we are convinced, argued that the proposed Channel 221A assignment to Lebanon would serve a need and demand there and in Laclede County for a choice of locally-oriented FM service and an improved second nighttime aural broadcast service. The evidence indicates that a Lebanon Channel 221A station would be able to serve an area of 642 square miles, containing 19,218 people, and to provide nighttime service to Lebanon and 90.5 percent of the residents of Laclede County, and that this would be significantly more nighttime service than the Class IV AM station is able to provide. The evidence is indicated that, while there is no available Class C channel which could be assigned to Lebanon without changing existing assignments, the proposed Channel 219A assignment would be technically feasible and require no other changes in assignments. The preclusionary effect of the proposed Lebanon Class A assignment and the assignments elsewhere also appeared unobjectionable. It again considered the Channel 221A proposal for Lebanon further in light of all the comments directed to it by the proponent and opponent, we are persuaded that in the circumstances presented, this is an appropriate case for not applying the guidelines to block opportunity for Lebanon to have a second local FM outlet and that the requested assignment is warranted.

5. Risner’s opposition to rule making on the proposal was based on claims that there was no support for a second FM station at Lebanon, and that the preclusion considerations, as well as the Commission’s assignment policies against the assignment of two FM channels to communities of this size and the intermixture of different classes of assignments in the same community, dictate denial of the request and proposal. Risner showing in support of its claims, however, was insufficient to be persuasive.

8. Risner’s further showing in the opposing comments is filed herein on the proposal which contains nothing of substance which we have not already considered. It again argues that our rationale in denying Lebanon Broadcasting’s previous request for rule making in 1966 on a proposal to assign a second Class C channel to Lebanon should be controlling in this case. We disagree. The assignment of even one Class 2 channel to a community the size of Lebanon is an exception to our general policy of assigning wide-coverage Class B or C channels to the larger cities and metropolitan areas and Class A channels to the smaller communities and was made in conformity with our policy to make exceptions in those instances where the small community is the center of a large group of people and relatively far removed from population centers and a Class C channel is needed in order to permit coverage of unserved areas which cannot be served from other cities. Justification for the proposed second Class C assignment to Lebanon obviously could not be made on the same ground or on the basis of its Class IV AM channel, and the proposed assignment would have foreclosed needed FM assignments elsewhere, including a proposed assignment to a community (Harrisonville, Missouri) lacking for local self expression without any other opportunity for an available Class A or C assignment. In the circumstances, we decided that rule making on the proposal would not serve the public interest. That decision (cited in footnotes 1, supra) did not, however, foreclose opportunity for Lebanon to be considered for a second FM assignment by another proponent, who, despite its size and our assignment guidelines, is warranted in the public interest to serve a need and demand and the assignment proposed is not objectionable for preclusory or other reasons.

6. In again discussing a claimed lack of need for a second FM outlet at Lebanon, Risner points out that, in addition to its daytime-only AM station and its Class C FM station, the full-time Class IV AM station of Lebanon Broadcasting, has a daily newspaper, owned by the principals of Lebanon Broadcasting. In its view, these are sufficient outlets for local self expression in a community the size of Lebanon and to assure effective competition there, and it urges that the competitive balance would be disturbed if Lebanon Broadcasting were to have a second FM outlet at Lebanon also. In reply, Lebanon Broadcasting points out that the Risner principals also own Station KRAMS, a full-time AM station, and Class C Station KRMF-FM, at Osage Beach, approximately 34 miles from Lebanon, in Camden County, Missouri, which is contiguous to Laclede County in which Lebanon is located. It contends that the Risner stations, when with their two daytime-only AM stations and two Class C FM stations, would still have considerably more control over the media for news dissemination to the public in these contiguous counties than it would have with its full-time Class IV FM station, its local daily newspaper at Lebanon, and the proposed Class A FM station. We take the view that the occupant of the proposed Class A channel might be, since there is but one aural broadcast station in Laclede County, a Lebanon Class C FM station—which has the competitive capability of providing a nighttime broadcast service throughout the county at present, we think it would serve a public need and be more likely to serve the public need in case rather than to decrease the possibilities for a healthy, competitive environment for broadcast.
8. Considering the above, it is our view that Channel 221A is a warranted assignment for Lebanon, notwithstanding our position that the FM assignment guidelines for FM assignments, since we are satisfied that the proposal is not unsatisfactory for technical or prescriptive reasons; that it would not affect any other assignment; that it holds benefits for the public in the area by way of not only making a choice of local FM service available to Lebanon and in Laclede County, but by adding the nighttime service of the popular station and its Class C FM and AM outlets, the proposed Class A assignment is likely to be used since it is requested by a local AM licensee who, being fully aware of the broadcast situation in the Lebanon area, has expressed a desire and intention to take the risk of operating on the requested Channel A assignment, if authorized, in competition with the local Class C station.

FM-1963, Poteau, Oklahoma

9. The petitioner, Le Flore County Broadcasting Company (Le Flore), proposes assignment at some distance from Poteau, on Channel 221A, at Poteau, upon which it operates Station KLCO-FM. The Poteau also is licensee of a daytime-only AM station (KLCO) at Poteau, Poteau being located in southeast Oklahoma, approximately 30 miles southeast of Ft. Smith, Arkansas. Besides the Le Flore AM and FM stations, Poteau has a Class C FM outlet, Station KINB, licensed to Indian Nation Broadcasting Company (Indian Nation), which operates on Channel 250 for Channel 250A at Poteau, upon which it operates Station KLCO-FM. Le Flore also is licensee of a daytime-only AM station (KLCO) at Poteau. Poteau has a population of less than 1,000 persons. While it is in the opinion of Le Flore, in response to the Show Cause order contained in the Notice, to rule making on the proposal, it furnishes no basis for an assignment to a station in the黎巴嫩区域。
Rural and Urban Development in Southeastern Oklahoma

**Southeastern Oklahoma**

Population of Le Flore County, in the southeastern region of Oklahoma, is distributed throughout the area in scattered rural pockets. Poteau, being the county seat and largest community in Le Flore County, services the cultural, economic, and social center for much of southeastern Oklahoma; and the county and the surrounding area have experienced considerable population growth in recent years, with substantial further growth projected because of the opening of the Arkansas River project which affords the Poteau area an inexpensive means of marketing its coal deposits, other minerals, and agricultural and paper products.

14. Le Flore claims that, due to the scattered and rural population distribution in this southeastern Oklahoma area, neither the limited service which its Class A station at Poteau can provide, nor that which the Poteau Class C station provides (operating from a transmitter located across the Oklahoma border in Bates, Arkansas, some 15 miles from Poteau) can adequately serve this area. This is reflected in its challenge of the channels reserved or so-called “white” areas, depicted in the exhibit accompanying its petition which would be eliminated by use of Channel 250 at Poteau. Its showing, particularly with the Roanoke Rapids-Goldsboro criteria which we have approved for use, demonstrates that a Poteau Channel 250 station, operating with a power of 1000 watts HAAT, would provide a first FM service to an area of 410 square miles with a population of 1,049 persons. It also shows that it would serve an area of 12,100 square miles, with a population of 348,320 persons, as compared to a Poteau Channel 252A station operating with maximum facilities (3 kW and 300 feet HAAT), which would serve an area of but 660 square miles with a population of 1,172.22. A further engineering showing as to the area and population which would be provided with a second service from a Poteau Channel 250 facility, also prepared in accordance with the Roanoke Rapids-Goldsboro criteria and called for by the Notice herein, accompanied the Le Flore comments on the proposal. It shows that a Poteau Class C station, operating with power of 100 kW and 1800 feet HAAT, would provide a second FM service to 84,462 persons located in an area of 3,180 square miles. Le Flore notes that the area receiving a second service would constitute 26.3 percent of the land area and contain 24.2 percent of the population in the service area of a Class C Channel 250 station.

In its opposition comments, Indian Nation again contends that, based on a survey made by entering homes and making listening tests of its Class C station, the area and population which would be expected to receive a first FM service (white area) from a Poteau Channel 250 station is de minimis at best and that no more than approximately 225,016, or 1,046 persons, based on the Le Flore study, would receive a first FM service, most of whom, it states, are in an area that consists in large part of a game preserve. However, as we pointed out before, Indian Nation furnishes no data as to the types of receivers, the level of the signal received, or other information to permit evaluation of its claimed survey results, and the petitioner’s showing, made in accordance with criteria which are considered reasonable and which we have approved for use, is the more convincing.

17. As for the preclusion on Channel 250, as stated in the Notice, it would occur in Arkansas in areas where there are no communities which would normally support a Class A station. Indian Nation again points out that Fayetteville, Arkansas (population 30,729) and Springfield, Arkansas (population 15,783) are 25 miles of both communities at Rogers, Arkansas (population 11,082), and at Siloam Springs, Arkansas (population 6,009), each of which has both an AM and FM outlet. Indian Nation also suggests that, in any case, there might be advantages to keeping Channel 250 in reserve to meet possible future needs in the preclusion area rather than in assigning it to Poteau. There would be none if, as Le Flore urges, it would have the effect of leaving Channel 250 available indefinitely, and this record provides no basis for assuming otherwise. The record does provide a basis, however, for our conclusion that there would be public interest advantage in retaining the existing Class A assignment at Poteau with the proposed Class C channel.

18. Considering the mountainous terrain and that Poteau is but two communities without an FM service or choice of FM services, the proposal is not objectionable for public interest reasons. As pointed out in the Notice, a Poteau Channel 250 assignment would foreclose other assignments on Channels 249A and 250. The predication on Channel 249A would include areas in Arkansas, Oklahoma and Texas where there appear to be but two communities without an FM service, and a Class C channel could be assigned: A. Atoka, Oklahoma (population 3,449), and Clarksville, Texas (population 3,449), each of which has a daytime-only AM outlet. As Indian Nation argues, it is important in considering the subject Class C proposal for Poteau, to judge the effect of the proposed Channel 250 assignment on that reason we asked for a showing in the Notice as to whether other Class A assignments would be available to meet their needs. Channel 252A was being considered by Indian Nation, an additional engineering study was submitted by Le Flore with its comments which allays our concern in this regard. It shows that Channel 252A could be assigned to Atoka and Channel 252A to Clarksville without requiring other changes in assignments should a demand and interest for an FM assignment develop in these communities in the future.

**RULES AND REGULATIONS**

No. 234—Pt. 1—5

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provide the Poteau area with a more effective and comparable outlet for competition and serving the area. The information which it has furnished concerning the characteristics of the Poteau area and its growth potential lends support for its optimism.

20. On balance, since the proposed channel substitution is technically feasible, and we are now satisfied that it would have no significant adverse precursory impact upon needed future assignments elsewhere, we are persuaded that it should be made. Since a second Class C facility at Poteau would provide a first or second FM service to substantial areas and population in this mountainous area which might otherwise be likely to remain unserved with facilities at least equivalent to those upon which Le Flore's claim for needed service is based (100 kW at 1800 feet HAAT),

RM-1957, GULFPORT, MISSISSIPPI

21. The petitioners, Don Partridge and Houston L. Pearce, propose the assignment of Channel 244A to Gulfport, Mississippi, for a third Class A FM assignment for which they can apply. Their comments affirm their intention to apply for the proposed assignment promptly once it is made. No opposing or other comments on the proposal were received.

22. As mentioned in the Notice, Gulfport (population 40,791), the seat of Harrison County (population 134,582), is located on the southern coast of Mississippi, approximately 18 miles west of Biloxi (population 48,488), also in Harrison County, and is part of the Biloxi-Gulfport Standard Metropolitan Statistical Area (population 194,582). The Biloxi-Gulfport Class A FM assignments are occupied by Station WTM (Channel 272A) and Station WROA-FM (Channel 296A). Gulfport also has two AM broadcast stations (WCCM and WGOA), both with unlimited-time operations. The three Biloxi aural broadcast stations, two AM stations (Station WLOX, an unlimited-time operation, and Station WVMJ, a daytime-only operation) and a Class C FM station (WVMI-FM), which serves Channel 229, are the only other aural broadcast stations in Harrison County.

23. The prior technical showing of the petitioners indicated that Channel 244A is technically feasible for a Gulfport assignment since it could be assigned and used there in conformance with all separation and other technical requirements of the rules and without disturbing any existing FM station. It also showed that Channel 244A would not be technically feasible for assignment and use in a community other than Gulfport without additional changes in the FM assignment table. Further, it indicated that the proposed Gulfport assignment would not be objectionable for precursory reasons since, while future assignments on Channels 243 and 244 would be foreclosed, the affected areas appear to be either sparsely populated, with no communities (the lower portion of Plaquemines Parish, Louisiana), or uninhabited (the Chandeleur Islands, off the coast of Louisiana, which fall within the Brenton National Wildlife Reserve).

24. It further appeared from the information furnished by the petitioners which has already been adequately discussed in the Notice issued on their proposal, that Gulfport is a growing industrial area which during the 1960-1970 period had a population growth of over 56 percent, and its population growth of 50 percent increase in the number of local businesses, and an over 450 percent increase in retail sales; and that prospects are favorable for its continued growth in population—over 450 percent increase in retail sales; and that prospects are favorable for its continued growth in population—


Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF STATE
Bureau of Security and Consular Affairs
[22 CFR Part 41]
[Docket No. SD-104]

DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Issuance of Nonimmigrant Visas

Notice is hereby given that the Department of State proposes to amend 22 CFR §§ 41.120(b) and 41.125(g) to terminate the existing procedure under which nonimmigrant visas under sections 101(a)(15) (E), (F), (I), and (L) of the Immigration and Nationality Act, as amended, may be issued in the United States in certain circumstances and under which nonimmigrant visas under sections 101(a)(15) (E) and (J) of the Immigration and Nationality Act, as amended, may be revalidated in the United States in certain circumstances.

Section 41.120(b) authorizes the Director of the Visa Office and such other officers of the Department of State as he may designate for such purpose to issue nonimmigrant visas in certain nonimmigrant classifications to aliens who meet certain requirements set forth in that section. Similarly, § 41.125(g) authorizes the Director of the Visa Office and such other officers of the Department of State as he may designate for such purpose to revalidate nonimmigrant visas in certain nonimmigrant classifications to aliens who meet certain requirements set forth in that section.

The original purpose of the authority conferred by both such sections was to provide nonimmigrant visa services to foreign government officials and international organization aliens. The volume of applications for nonimmigrant visa services received by the Department of State from other aliens in the United States has increased to the point that it interferes with the orderly and expeditious processing of requests for such services by foreign government officials and international organization aliens. In addition, because of the greatly increased volume of such applications and since most such applications are submitted by mail, frequently from locations in the United States distant from Washington, D.C., it is generally impossible to interview the applicants in person, thus cutting off a source of information of paramount importance in the proper adjudication of such applications.

Interested persons may submit to the Director of the Visa Office, Room 800, State Annex 2, 515 22nd Street, N.W., Washington, D.C. 20520, written data, comments, views or arguments, in duplicate, relative to this proposed rule. Submission of such material may not be made orally. All relevant material received on or before December 28, 1973, will be considered.

1. Section 41.120 would be amended as follows:

§ 41.120 Authority to issue visas.

* * * *

(b) Issuance in the United States in certain cases.

* * * *

(2) Other qualified aliens who—

(i) Are properly classifiable under subparagraph (A), (E), (G), (H), (I), or (L) of section 101(a)(15) of the Act or under the visa symbols NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or NATO-7;

(ii) In the United States in certain circumstances.

* * * *

2. Section 41.125 is amended as follows:

§ 41.125 Revalidation of visas.

* * * *

(g) Revalidation in the United States in certain cases.

* * * *

(2) Other qualified aliens who—

(i) Are properly classifiable under subparagraph (A), (E), (G), (H), (I), or (L) of section 101(a)(15) of the Act or under the visa symbols NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or NATO-7;

(ii) Are properly classifiable under subparagraph (A), (E), (G), (H), (I), or (L) of section 101(a)(15) of the Act or under the visa symbols NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or NATO-7;

* * * *

For the Secretary of State.


[FR Doc. 73-25895 Filed 12-5-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
[14 CFR Part 71]

PIFFSBURGH, PA., TERMINAL CONTROL AREA

Supplemental Notice of Proposed Adoption

On August 15, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 22043) proposing the adoption of a Group II Terminal Control Area (TCA) at Pittsburgh, Pa.

This Supplemental NPRM contains an amended proposal that differs from the airspace configuration specified in the original NPRM.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identity the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11439. All communications received on or before January 7, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Rules Docket, Room 1629, 800 Independence Avenue S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division,Chief.

One comment, which made no objection, was received in response to the NPRM. However, subsequent investigation discovered that the glide slope to runway 10L and the projected departure profiles from runways 10R and 28R would not be contained at or above the TCA floors. By extending Area B from 10 to 11 miles in the area of the extended runway centerline, these flight paths will be contained within TCA airspace.

In consideration of the foregoing and for the reasons stated in the NPRM (38 FR 22042), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(b) of the Federal Register.

PIFFSBURGH, PA., TERMINAL CONTROL AREA

PRIMARY AIRPORT

Greater Pittsburgh Airport (Latitude 40°29'37" N, Longitude 80°11'54" W).

Boundaries. (Based on Imperial VORTAC [TR]), (Latitude 40°29'19" N, Longitude 80°14'03" W.).

Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Pittsburgh, Pa., (Greater Pittsburgh), Control Zone.

Area B. That airspace extending upward from 3,500 feet MSL to and including 6,000 feet MSL within a 10 mile radius of the IRL VORTAC, and between the 10 and 11 mile radius of the IRL VORTAC extending from the 096° T (461 °M) radial clockwise to the 106° T (111° M) radial and from the 256° T (254°M) radial clockwise to the 288° T (283° M) radial.

Area C. That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 30 mile radius of the IRL VORTAC and between the 30 and 30 mile radius of the IRL VORTAC extending from...
the 076° T (081° M) radial clockwise to the 106° T (111° M) radial and from the 259° T (264° M) radial clockwise to the 288° T (293° M) radial, excluding Areas A and B. This amendment is proposed under the authority of sec. 307(a) of the Federal Transportation Act (49 U.S.C. 1655(c)). Issued in Washington, D.C., on November 30, 1973.


ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

CHLORDIMEFORM

Tolerances and Exemptions for Pesticide Chemicals in or on Raw Agricultural Commodities

NOR-AM Agricultural Products, Inc., 1276 Lake Avenue, Woodstock, Ill. 60098 and CIBA-GEIGY Corp., Greenboro, NC 27409 jointly submitted a petition (PP 4E1433) proposing establishment of a tolerance for combined residues of the insecticide chloridimeform ([N'-4-chloro-o-tolyl]-N,N-dimethylformamidine) and its metabolites containing the 4-chloro-o-toluidine moiety (calculated as chloridimeform) in or on the raw agricultural commodity tomatoes at 1 part per million.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.46(a)(3) applies.

2. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(c), 68 Stat. 154; (21 U.S.C. 346a(e))), the authority transferred to the Administrator of the Environmental Protection Agency (55 FR 16629), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.285 Chlordimeform; tolerances for residues.

The following table contains the proposed tolerances for residues.

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<th>Part Per Million</th>
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Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein is hereby notified, on or before January 7, 1973, that this proposal may be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, on or before January 7, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW, Washington Mall, Washington, D.C. 20400, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.


HENRY J. KOPP, Deputy Assistant Administrator for Pesticide Programs.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 87, 89, 91, 93, 94]

PRIVATE OPERATIONAL-FIXED MICROWAVE RADIO SERVICE

[Doct N o. 19889 et al.; FCC 73-1162 et al.]

PRIVATE OPERATIONAL-FIXED MICROWAVE RADIO SERVICE

Memorandum Opinion and Order and Notice of Proposed Rule Making

In the matter of amendment of the Commission's rules to establish a Private Operational-Fixed Microwave Radio Service (PP 2E1025).

The Commission, in Docket No. 11866, amendment of Parts 7, 9, 10, 11, and 16 of § 180.285 Chlordimeform.

1. Notice of proposed rulemaking is hereby given, with an opportunity for public hearing, to all interested persons.

2. The operators are restricted to use of microwave frequencies and the terms of the rulemaking should be regularly accommodated on operational-fixed systems in frequencies in the bands above 952 MHz. The spectrum bands above 952 MHz are 2130-2150, 2150-2160, 2180-2200, 2500-2690, 6575-6875, and 12,200-12,700 MHz, all of which may be authorized for operational-fixed systems; and 2450-2500, 13,200 MHz and above, which permit mobile operations in addition to operational-fixed systems.

BACKGROUND

2. Private microwave systems are now regulated under interim rules in various Safety and Special Radio Services that have been developed essentially on the basis of findings made in 1959, in Docket 11866 (27 FCC 350). That proceeding considered "the adequacy of the supply of microwave frequencies and the terms and extent to which the various station authorizations may be made to private users," and the Commission determined that private users of microwave systems should be regularly accommodated on operational-fixed systems.

A number of rule making actions followed that implemented Docket 11866 findings, notably Docket 13083 (Report and Order released July 20, 1960, FCC 60-891) which provided trial standards for use of microwave frequencies. Over the past decade, these rules have contributed to the development of microwave systems. Today, however, the rules need to be revised and updated to meet the demand for current and future developments. The number of private microwave stations has more than tripled to nearly 10,000 stations since 1966. Many of these stations tend to concentrate in microwave corridors producing "pockets" of congestion. At the same time, the need for frequencies for private microwave systems is increasing. The need for services that involve competitive or substantial business to be accommodated in the frequency bands above 952 MHz.

3. In consideration of these facts, we propose to establish a separate radio service to standardize and consolidate rules to cover fixed operations above 952 MHz in a comprehensive format. The new service would be designated as the Private Operational-Fixed Microwave Radio Service. Basically, it provides changes that relate application and licensing procedures specifically to microwave systems: including elimination of some restrictions on interservice sharing,4 permissible communications among systems, and technical standards are geared to minimizing intersystem interference.

Further, additional uses are proposed for certain microwave bands above 10 GHz. For example, local area and business radio users are now restricted to use of bands above 10 GHz. Local area users would be permitted, under these changes, to use all microwave bands, and business radio users operating long-haul systems would be given access to the 2 and 3 GHz bands.

The proposals are not concerned, however, with 

3 Subsequent rulemaking actions have reallocated the segment 809-947 MHz for land mobile operations, and Order in Docket 18265, 25 FCC 2nd 764 (1970). We are here concerned only with operations above 952 MHz.
disserting interests. These latter areas are to be explored in separate rule making actions. In the present proceeding, we propose to permit assignment of additional transmitting frequencies when an applicant shows that the additional frequencies are required for his present or planned communications requirements and that technical factors, including and specifically the number of bands affording greater bandwidth (see proposed § 94.15(d)). In addition, to help offset this additional spectrum requirement, applicants are invited as to possible channelizing plans and/or retention of some portion of the new band for mobile-only operations.

We have also proposed to limit the number of frequencies (not paths) an applicant may be granted at a single location to prevent a single licensee from blocking the use of a particular site to other channeling plans. We view this restriction as being particularly necessary in metropolitan centers and in certain geographical mountain-top locations where, due to a combination of circumstances, the location offers unique advantages to microwave system planners.

8. To help achieve effective point-to-point service from microwave frequencies, the interference level must be reduced, potentially interfering systems. Much of this isolation can be provided by geographical separation since microwave transmission is limited essentially to line-of-sight propagation. The use of highly directive antennas also provides effective isolation even to the point that, in certain configurations, co-channel or near co-channel operation in the same or near-same location by separate systems is possible. However, however, as private microwave usage has increased, with the concomitant demand for increased channel capacities and system flexibility, the amount of interference has increased. It is generally accepted in this regard that the amount of interference permitted by any system can tolerate from another system is related to the level of such interference. The level of interference is dependent, among other things, to the interference power and stability, spectral distribution of the transmitted signal, type of multiplexing, antenna characteristics, locations where, due to a combination of circumstances, the location offers unique advantages to microwave system planners.

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9. As noted, a key factor affecting interference levels is channel and adjacent channel operation is the frequency stability of the interfering carrier. However, because the Commission has not heretofore specified stability for microwave transmitters and such a specification involves a clear and direct system of channels, the new standards may submit to the Commission for use in formulating rules and interference criteria for stations listed in Part 21. To the extent that digital systems in use today may be expected to limit either the type of modulation of the RF carrier or the multiplexing at this time, Digital Modulation Techniques in Microwave Radio, notice of inquiry, Docket No. 70-11, 36 FR 18660 (September 18, 1971), 31 FCC 2d 716 (1971); and Digital Transmission of Microwave Radio, notice of proposed rule making, Docket No. 70-11, 36 FR 12760 (May 15, 1971), 40 FCC 2d 883 (1973).
Proposed rules

place an upper limit on this value. The values proposed as maximum should normally preclude diffraction or tropospheric propagation modes and yet not seriously restrict the use of the systems that are powered by the maximum beamwidth permitted. These beamwidth provisions do not, however, satisfactorily meet the requirements in areas of heavy concentration of microwave systems. Present rules also limit the minimum size of directional antenna systems (except where omnidirectional transmission is required) by specifying maximum beamwidths permitted. Accordingly, we are proposing to authorize the polarization of micro¬

Summary

16. In accordance with the foregoing, the attached Appendix sets forth specific rule changes proposed for private operational-fixed microwave systems and private microwave systems that can be authorized by specifying narrow beamwidths than the present rules provide for. In addition, directional antenna standards are proposed to authorize the location now filed, in connection with the present licensees' applications for review by the Commission have been limited framework of this proceeding, we propose that includes frequency pair—group assignments, channel spacing, and updated band¬

ferences from the proposed operations above the specified levels. It is not administratively practicable, nor should it be necessary, for the Commission to verify each of these showings. Thus, although a certain amount of spot-checking is contempl¬

FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973
petition (RM-1662) for expanded permissible communications for microwave stations in the Manufacturers Radio Service is premature. Therefore, that the proposals herein are consistent with the objectives of the petitioners, their petitions are denied. Further, the proposed rule changes set forth in Docket 1419—"in the matter of amendment of Parts 7, 9, 10, 11, and 16 (now 81, 87, 89, 91 and 93) of the Commission's Rules to provide for the assignment of frequencies in the bands above 952 MC to operational fixed stations in such services upon a showing that harmful interference will not be caused to existing stations"—are covered by proposals herein and that Docket, therefore, is terminated. Finally, RM-2972, a petition filed by the American Petroleum Institute recommending redesignation of the band 6525-6575 MHz for operational fixed purposes is also included within the context of this proceeding.

18. Authority for these proposed amendments, as set forth below, is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules in this subpart, all comments may file documents on or before February 29, 1974, and reply comments on or before March 29, 1974. All relevant and timely comments will be considered by the Commission in its final action taken in this proceeding. In reaching its decision the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

20. In accordance with the provisions of §1.419 of the Commission's rules an original and fourteen copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.


FEDERAL COMMUNICATIONS COMMISSION.

VINCENT J. MULLINS, Secretary.

In 47 CFR ch. I are new Part 94 is proposed to be added as follows:

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

Subpart A—General Information

§ 94.1 Basis and purpose.

(a) This part for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) The purpose of the rules in this part is to prescribe the manner in which operational-fixed radio facilities may be licensed and operated in the microwave spectrum above 952 MHz.

§ 94.3 Definitions.

For the purpose of this part, the following definitions shall be applicable. For other definitions, refer to Part 2 of this chapter, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.

Antenna input power—the frequency peak or RMS power, as the case may be, supplied to the antenna from the system transmission line and its associated impedance matching network.

Control station—a fixed station whose transmissions are used to control automatically the emissions or operations of a fixed station in the mobile services at a specific geographic location.

Effective radiated power (ERP)—the power supplied to the antenna multiplied by the relative gain of the antenna in the direction of the radiation main lobe.

Long haul system—an operational-fixed station associated with one or more stations in the mobile service, established to receive and retransmit radio signals directed to it and transmit automatically on a fixed service frequency.

Fixed service—a service of radiocommunication between specified fixed points.

Fixed station—a station in the fixed service.

Frequency tolerance—the maximum permissible departure by the center frequency of the frequency band occupied by the station from the assigned frequency, or by the characteristic frequency of an emission from the reference frequency. The tolerance is expressed in parts per million or in hertz.

Lynx in a relay system—an operational-fixed station in which the total of the tandem path lengths exceeds 250 miles.

Microwave—for purposes of this part, frequencies above 952 MHz.

Note: The necessary bandwidth may be determined by methods outlined in paragraphs (a) and (b) of this section.

Occupied Bandwidth—the frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total power radiated by a given emission. In some cases, for example multi-channel frequency division systems, the percentage of 0.5 percent may lead to certain difficulties in the practical application of the definitions of occupied and necessary bandwidth; in such cases a different percentage may prove useful.

Operational-fixed station—a fixed station not open to public correspondence,
The licensees of closed circuit television systems that have been licensed to educational institutions may be utilized for the transmission of program material to noncommercial educational television broadcast stations, provided that the use of facilities exclusively for carrying such program material shall be less than 50 percent of their total use during any one year of the license term, either direct or indirect shall be made for such use, and licensees shall submit reports with their applications for renewals showing the breakdown of usage in terms of primary and alternative uses during each year of the license term.

§ 94.13 Interconnection with common carrier facilities.

Stations authorized under this part may be interconnected with the facilities of common carriers subject to applicable tariffs.

§ 94.14 Permissible use of authorized radio channels.

(a) Frequencies in this service are assignable to provide the full-period service required in most private systems, and are protected from interference in the manner and to the extent prescribed in this subpart, or that the licensee of the existing stations have agreed, in writing, to a different degree of interference.

(c) All applicants shall make an engineering analysis of the potential interference between the proposed facilities and previously authorized stations beyond that permitted by the interference criteria prescribed in this subpart, or that the licensees of the existing stations have agreed, in writing, to a different degree of interference.

(d) Applicants shall select the frequency band having available frequencies where the assign-able bandwidth is most consistent with the proposed communications requirements. Applications shall contain supplemental information showing the basis for frequency band selection, the basis for the bandwidth requested, and the proposed schedule for implementation of bandwidth utilization.
PROPOSED RULES

Consistent with this policy, each applicant normally will be authorized one transmit frequency per path in each direction where full-duplex operation is required. Additional frequencies per path may be authorized only upon a showing that: (1) the additional frequencies are required to accommodate the applicant’s present and future requirements, and technical factors preclude use of the bands affording greater assign-able bandwidths (For the purposes of this requirement, technical factors to be considered in determining whether a frequency band is suitable for a proposed operation include: reasonable reliability objectives of the applicant; propagation characteristics of frequencies utilized; atmospheric conditions in the proposed area of operation, such as rain fall and extreme temperature changes that may affect propagation; total path length of the proposed system; trutility of radio equipment (but not its cost); and the relative availability of frequencies in the band, where frequencies are requested and in the band where greater assign-able bandwidths are available); or (2) Extention of previously authorized systems beyond the capacity originally contemplated is required.

(e) Applicants will normally be assigned frequencies listed in § 94.65 of this part. Operation on other than the listed frequencies may be authorized where it is shown that the interference criteria prescribed in § 94.63 could not otherwise be met, where amplitude modulation techniques are authorized. Additionally, on frequency bands above 10,000 MHz, multiple channels on a frequency band suitable for complex transmission. However, operation on frequencies not paired in accordance with fixed transmission. However, operation on frequencies not paired in accordance with the frequency pairing plans of this part could not otherwise be met, from any of its engineering field personnel, in lieu of the state-ments required to be filed by paragraph (g) of this section, the licensee shall file with the Commission the annual report required by paragraph (e) of this section.

(f) The licensee may institute the use of its facilities by any other person in the exercise of its rights granted by the Federal Commu-nication Commission, or from any of its engineering field personnel, in lieu of the state-ments required to be filed by paragraph (g) of this section, the licensee shall file with the Commission the annual report required by paragraph (e) of this section.

§ 94.23 Station authorization required.

No radio transmitter shall be operated in this service except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

§ 94.25 Filing of applications.

(a) Persons desiring to install and operate radio transmitting equipment must make an application for station authorization. To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard number forms applicable to the private operational-fixed radio stations are described in § 94.27. An application for station authorization shall be submitted to the Commission via the Washington, D.C. office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the informal application procedure outlined in § 94.27 should be followed.

(b) Every application for a radio station authorization, and all corre-spondence relating thereto, shall be submitted to the Commission’s office at Washing-ton, D.C. 20554. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of the Commission’s rules.
(c) Unless otherwise specified, an application shall be withdrawn at least sixty days prior to the date on which it is desired that Commission action thereon be completed.

(d) Applications involving operation at temporary locations:

(1) An application for authority to operate a fixed station at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, county or counties, or a state or states. Sufficient data must be submitted to show the need for the proposed area of operation.

(2) If an operational-fixed station is authorized to be operated at temporary locations and actually remains, or is to remain, at the same location for a period of more than 30 days after the expiration of the one-year period.

(e) Applicants proposing to construct a radio station on a site located on land under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedures prescribed by §170 of this chapter.

(f) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pendleton County, W. Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W. Va., any applicant for a station authorization other than mobile, temporary base, or temporary-fixed seeking a station license for a new station or to modify an existing station in a manner which would change either the frequency, power, antenna height or directionality of the existing station, shall notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, W. Va., 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity, if any, proposed frequency, type of emission and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such applications, the Commission will allow a period of 30 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 30-day period from the National Radio Astronomy Observatory or if or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(g) Applications for authorizations to construct new microwave operational-fixed radio stations for relaying television, standard, or FM broadcast signals to community antenna television (CATV) systems, will not be accepted. Existing microwave authorizations addressed prior to November 22, 1965, may continue to be authorized under this part until not later than February 1, 1976, or until an earlier date if the Commission determines that the frequencies at 12300-12700 MHz band are needed for operational-fixed stations, subject to the following:

(1) No additional stations or frequencies will be authorized.

(2) Replacement of equipment may be authorized only if the new equipment is type accepted for operation in the 12700-12950 MHz band.

(i) Authorizations and renewals therefor may be granted for a term not exceeding one year.

(4) Authorizations and renewals shall contain the condition that such cable television system be in compliance with the provisions of Part 76 (Cable Television Service) of this chapter.

(5) Applications shall contain a statement that the applicant has notified the licensees of any television broadcast station within whose predicted Grade B contour the cable television system served or to be served operates or will operate, the licensee or permittee of any 100-watt or higher power television translator station licensed to the community of the station; and any local or state educational television authorities, of the filing of the application. Such statements of the applicant shall be supported by copies of the letters of notification. The notice shall include the fact of intended filing by the applicant, the name and mailing address of each cable television system served or to be served under the authorization sought, the community and area served or to be served by each cable television system, and the dates to be carried by each cable television system.

Note: As used in this paragraph (5) the term "predicted Grade B contour" means the field intensity contour defined in §78.86(a) of this chapter, the location of which is determined exclusively by means of the calculations prescribed in §78.864 of this chapter.

§94.27 Application and standard forms.

(a) A separate application shall be submitted on FCC Form 402 for the following:

(1) New station authorization for private operational-fixed microwave station.

(2) New station authorization for a fixed station to be operated at temporary locations in this service.

(3) Modification of station license.

(4) Assignment of an authorization (see paragraph (b) of this section and §94.45).

(b) When the holder of a station authorization desires to assign to another person the privilege to use a radio station, he shall submit to the Commission a letter setting forth his desire to assign all complete, true and correct information pertaining to the proposed assignment. Such authorization, stating the call sign and location of station. This letter shall also include a statement that the assignee or assignees desires to assign the station to the proposed owner or assignees desires to assign the station to the proposed owner.

(c) A separate application shall be submitted on FCC Form 703 whenever an assignment is made by transfer of stock ownership, the control of a license.

(d) Informal application—an application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application, normally in letter form, properly signed, shall be clear and complete within itself as to the facts presented and shall be treated as if it were a formal application.

(e) FCC Form 456 "Notification of Completion of Radio Station Construction," may be used to advise the Engineer-in-Charge of the local district office that the construction of the station is complete and that operation will begin.

(f) Application for renewal of station license shall be submitted on FCC Form 455. The application must be filed during the license term and should be filed within 90 days, but not later than 30 days prior to the end of the license term. In any case in which the Commission makes findings of the provisions of this chapter, the location of the station has, in accordance with the provisions of the applicable jurisdiction.

§94.29 Who may sign applications.

(a) Except as provided in paragraph (b) of this section, applications, amendments, and related statements of fact required by the Commission shall be personally signed by the applicant. If the applicant is an association, the application shall be signed either by an officer, if the applicant is a nonprofit corporation; or by a member who is an officer if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible governmental entities shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

(b) Applications, amendments thereto, and related statements of fact required by the Commission may be signed by the applicant if the applicant is a nonprofit corporation; by an officer, if the applicant is a partnership; by an officer if the applicant is a corporation; or by a member who is an officer if the applicant is an unincorporated association. Applications, amendments, and related statements of fact filed on behalf of eligible governmental entities shall be signed by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction.

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§ 94.31 Supplemental information to be submitted with application.

Each application for station authorization shall be accompanied by the supplemental information listed below:

(a) Any statements or showings required by the applicable subpart of this part, in connection with the use of a frequency requested, (see § 94.63);

(b) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations;

(c) Copies of all agreements and statements which may be required under § 94.17 if operation is desired in connection with developmental operation (see Subpart E of this part);

(d) Data required by the rules in connection with any cooperative use of the proposed radio communication facilities;

(e) Applications, amendments, and requests for assignment for the service where a regular authorization is subsequently granted, may be accompanied by a request of the applicant for a waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired, and set forth the reasons in support thereof to include a showing that unique circumstances are involved and that there is no reasonable alternative for satisfying the same rule. Applications may be dismissed if the accompanying petition for waiver of rules does not set forth reasons which, sufficient if true, would justify a waiver or exception.

§ 94.35 Amendment or request for dismissal of application.

(a) Any application, except for mutually exclusive applications or those against which a petition to deny has been filed, may be amended as a matter of right prior to the time the application is heard. Each amendment to an application shall be signed and submitted in the same manner as required for the original application. The procedures for amending applications mutually exclusive under this part, applications against which a petition to deny has been filed, and applications designated for hearing are set forth in § 1.818 of this chapter.

(b) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the time the application is granted or designated for hearing.

§ 94.37 Grant of application without hearing.

(a) The Commission will grant without a hearing an application for a station authorization if it is proper upon its face and if the Commission finds from an examination of such application and supporting data, any pleading filed, or other matters which it may officially notice, that:

(1) There are no substantial and material questions of fact;

(2) The applicant is legally, technically, financially, and otherwise qualified;

(3) A grant of the application would not involve modification, regulation, or non-renewal of any existing license;

(4) A grant of the application would not prejudice the grant of any mutually exclusive application; and

(b) A grant of the application would serve the public interest, convenience, and necessity.

(b) If a petition to deny an application has been filed pursuant to § 1.963 and the Commission grants such application, a request for reconsideration, paragraph (a) of this section, the Commission will deny the petition and issue a concise statement of the reason for such denial and disposing of all substantial issues raised in the petition. (See § 1.873 of this chapter, as to applications designated for hearing.)

§ 94.39 License term.

(a) Licenses for stations in this service will normally be issued for a term of five years from the date of original issuance, modification, or renewal. If the requisite term has not otherwise expired, a term of one to five years will be applied, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(b) Authorizations for stations engaged in developmental operation under subpart E of this part will be issued upon a temporary basis for a specific period of time, but in no event to extend beyond one year from date of grant.

§ 94.41 Partial grant of applications.

Where the Commission, without a hearing, grants any application in part, or with any privileges, terms, conditions other than those requested, or subject to any interference that may result to a station if designated application or applications are subsequently granted, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 30 days from the date on which such grant is made, file with the Commission a written request rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing. (See § 1.973 of this chapter as to applications designated for hearing.)

§ 94.43 Procedure for obtaining special temporary authority.

Authorizations in this service are granted in accordance with procedures set forth in this subpart. Therefore, temporary authorizations which depart from these procedures will not normally be considered except as specified below:

(a) Special temporary authorization may be granted upon a written request (See requirements for informal applications in § 94.27(d).) in the following circumstances:

(1) In emergency situations;

(2) To permit restoration or relocation of existing facilities to continue communication services;

(3) To conduct tests to determine necessary data for the preparation of an application for regular authorization;

(4) For a temporary non-recurring service where a regular authorization is not appropriate;

(b) The public notice requirements of § 1.963 of this chapter do not apply to the following requests:
§ 94.54 Notification of station being placed in operation or being discontinued.

The Engineer in Charge of each radio district in which an operational-fixed station is located and the Commission in Washington, D.C., shall be notified when the station has been initially placed in operation, and when operation is permanently discontinued.

§ 94.55 Continued operation subsequent to modification.

Operation in accordance with the provisions of an authorization which has been modified may be continued until such modification is implemented. Provided, That the provisions of §§ 94.41 and 94.53 are met.

Subpart C—Microwave Technical Standards

§ 94.61 Applicability.

(a) The technical standards contained in this subpart shall govern, effective February 24, 1972, the issuance of authorizations for private operational-fixed stations operating in the microwave bands above 952 MHz. Except as provided in § 94.63(1), stations authorized prior to this date not meeting the provisions of this subpart may continue to be authorized under previous technical standards until January 1, 1980.

(b) The frequency bands to which this subpart apply are as follows:

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<tr>
<th>Frequency Band (MHz)</th>
<th>Class of stations</th>
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1 Except for those persons employing log¬
therds as defined in this part, this
band is not available for operations by per¬
sons where sole basis for eligibility in the
service is established under the eligibil¬
ity requirements of § 91.705(a) for licensing in the
Business Radio Service.

2 Subject to no protection from Industrial,
Scientific and Medical (ISM) equipment on
2450 MHz.

3 Classes of stations other than operational- fixed may be authorized in this frequency
band under rules set forth in other Safety
and Special Radio Services.

4 Limited to developmental operation only
with the assignment and particulars of operation specified in each authorization.

(See subpart E of this part.)
§ 94.65 Interference protection criteria.

(a) Existing or previously authorized stations in this service shall be afforded protection from interference by applicants for new or modified facilities to the extent provided herein.

(b) Before filing an application for new or modified facilities, the applicant shall perform a frequency engineering analysis to ascertain that the facilities will not expose existing or previously authorized facilities to interference of a magnitude that specified in the applicable criteria, and otherwise agreed to in accordance with the provisions of § 94.15(c). Further, the applicant is responsible for analyzing the interference from his new or modified facilities to those existing or previously authorized facilities.

(c) The interference protection criteria which the existing or previously authorized system shall be afforded is as follows:

(1) Long-haul FM-FDM. Analog systems in which the total of the tandem path lengths exceeds 250 miles, and where the system employs a frequency modulated radio, and frequency division multiplexing (FM-FDM) is employed to provide multiple voice channels; the allowable interference level per exposure shall not exceed 5 pwpO.

(2) Short-haul FM-FDM. Analog systems in which the total of the tandem path lengths is 250 miles or less, and where the system employs a frequency modulated radio, and frequency division multiplexing (FM-FDM) is employed to provide multiple voice channels; the allowable interference level per exposure shall not exceed 5 pwpO.

(d) Due to carrier beat interference shall not exceed 5 pwpO.

(e) Due to carrier beat interference shall not exceed 5 pwpO.

(f) Due to sideband-to-sideband interference shall not exceed 5 pwpO.

(g) Due to sideband-to-sideband interference shall not exceed 5 pwpO.

(h) Due to carrier beat interference shall not exceed 5 pwpO.

(3) FM-TV. Analog systems employing frequency modulated radio modulated by a standard television (visual) signal; the allowable interference level per exposure shall not exceed the levels which would apply to a long-haul or short-haul FM-FDM system, as outlined in (d) or (e) above for a system with 300 voice channel capacity.

(4) Time Division Multiplexing (TDM). Systems where the radio is modulated by time division multiplexing to provide multiple voice channels; the allowable interference level per exposure shall be equivalent to that specified in (d) or (e) above.

(d) In addition to the requirements of § 94.63(c), the adjacent channel interference protection criteria which the existing or previously authorized microwave relay system shall be afforded, regardless of system length, or type of modulation, multiplexing, or frequency band, shall be such that the interfering signal shall not produce more than a 1.0 db degradation of the practical threshold of the protected receiver.

(e) The criteria specified in paragraph (c) of this section shall be applied by calculating the ratio in db, between the desired (carrier) signal and the undesired (interfering) signal (C/I ratio) appearing at the input to the receiver under investigation (victim receiver). The development of the C/I ratios from the criteria and the methods employed to perform path calculations shall follow procedures contained in EIA Bulletin 10, "Interference Criteria for Microwave Systems in the Safety and Special Radio Services." (Published by the Electronics Industries Association Engineering Department, 2001 Eye Street, NW, Washington, D.C. 20006). Where the applicant's proposed facilities are of a type not included in paragraph (c) of this section or where the development of the carrier to interfering signal (C/I) ratio is not covered by EIA Bulletin 10, the applicant shall (in the absence of criteria or a developed C/I ratio) employ the following C/I protection ratios:

(1) Co-channel interference: both sideband and carrier beat, applicable to all bands; the existing or previously authorized system shall be afforded a carrier to interfering signal protection ratio of at least 90 dB, except in the 952-960 MHz band where it shall be 65 dB.

(2) Adjacent channel interference: applicable to all bands; the existing or previously authorized system shall be afforded a carrier to interfering signal protection ratio of at least 56 dB, except in the 952-960 MHz band where it shall be 43 dB.

§ 94.65 Frequencies.

Frequencies normally available for assignment in this service are set forth with applicable limitations in the following tables:

(a) 952-960 MHz.

(b) 1850-1990 MHz.

(c) 2130-2150 MHz; 2180-2200 MHz.

may be authorized, subject to providing protection from harmful interference to previously authorized stations in this service and in other services sharing this band.

(c) 2450–2560 MHz. This band is shared with base, mobile, and radiolocation stations and is subject to no protection from interference from Industrial, Scientific and Medical devices operating on 2450 MHz.

Table IV

<table>
<thead>
<tr>
<th>Transmit (or receive)</th>
<th>Receive (or transmit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2451.9</td>
<td>2470.3</td>
</tr>
<tr>
<td>2453.7</td>
<td>2471.1</td>
</tr>
<tr>
<td>2455.9</td>
<td>2471.9</td>
</tr>
<tr>
<td>2458.3</td>
<td>2472.7</td>
</tr>
<tr>
<td>2460.7</td>
<td>2473.5</td>
</tr>
<tr>
<td>2462.9</td>
<td>2474.3</td>
</tr>
<tr>
<td>2464.3</td>
<td>2475.1</td>
</tr>
<tr>
<td>2465.1</td>
<td>2475.9</td>
</tr>
<tr>
<td>2467.3</td>
<td>2476.7</td>
</tr>
<tr>
<td>2468.3</td>
<td>2477.5</td>
</tr>
<tr>
<td>2469.3</td>
<td>2478.3</td>
</tr>
<tr>
<td>2471.1</td>
<td>2479.1</td>
</tr>
<tr>
<td>2473.1</td>
<td>2481.9</td>
</tr>
<tr>
<td>2475.3</td>
<td>2482.7</td>
</tr>
<tr>
<td>2476.7</td>
<td>2484.3</td>
</tr>
<tr>
<td>2478.5</td>
<td>2485.1</td>
</tr>
<tr>
<td>2479.9</td>
<td>2486.9</td>
</tr>
<tr>
<td>2481.9</td>
<td>2487.7</td>
</tr>
<tr>
<td>2483.1</td>
<td>2489.5</td>
</tr>
<tr>
<td>2484.3</td>
<td>2491.3</td>
</tr>
<tr>
<td>2485.9</td>
<td>2492.1</td>
</tr>
<tr>
<td>2487.5</td>
<td>2493.9</td>
</tr>
<tr>
<td>2489.1</td>
<td>2495.7</td>
</tr>
<tr>
<td>2490.7</td>
<td>2497.5</td>
</tr>
<tr>
<td>2492.3</td>
<td>2499.3</td>
</tr>
</tbody>
</table>

Frequency bands and tolerances as percentage of assigned frequency.

Unpaired frequencies

Table V

<table>
<thead>
<tr>
<th>Transmit (or receive)</th>
<th>Receive (or transmit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2350–2550 MHz</td>
<td>2550–2350 MHz</td>
</tr>
<tr>
<td>2360–2560 MHz</td>
<td>2560–2360 MHz</td>
</tr>
</tbody>
</table>

* Available for operational fixed stations employing television transmitters.

* Response frequencies, when authorized, may be paired respectively with the bands 2550–2565, 2662–2668 and 2360–2365 MHz, and used in accordance with the technical standards prescribed for TVPS response stations in Part 74, Subpart I, of this chapter.

(g) 6755–6775 MHz.

Table VI

<table>
<thead>
<tr>
<th>Transmit (or receive)</th>
<th>Receive (or transmit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6750.0</td>
<td>6770.0</td>
</tr>
<tr>
<td>6755.0</td>
<td>6775.0</td>
</tr>
<tr>
<td>6760.0</td>
<td>6780.0</td>
</tr>
<tr>
<td>6765.0</td>
<td>6785.0</td>
</tr>
<tr>
<td>6770.0</td>
<td>6790.0</td>
</tr>
<tr>
<td>6775.0</td>
<td>6795.0</td>
</tr>
<tr>
<td>6780.0</td>
<td>6797.0</td>
</tr>
<tr>
<td>6785.0</td>
<td>6799.0</td>
</tr>
</tbody>
</table>

Unpaired frequencies

Table VII

<table>
<thead>
<tr>
<th>Transmit (or receive)</th>
<th>Receive (or transmit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12,310</td>
<td>12,410</td>
</tr>
<tr>
<td>12,320</td>
<td>12,420</td>
</tr>
<tr>
<td>12,330</td>
<td>12,430</td>
</tr>
<tr>
<td>12,340</td>
<td>12,440</td>
</tr>
</tbody>
</table>

* Available for systems employing half-duplex (one-way) transmission.

§ 94.67 Frequency tolerance.

(a) Stations in this service shall maintain the carrier frequency of each authorized transmitter to within the following percentage of the assigned frequency.
(1) On any frequency removed from the assigned frequency by more than 10 percent up to and including 100 percent of the authorized bandwidth, at least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth, at least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth at 43 plus 10 Log, (mean output power in watts) decibels or 90 decibels, whichever is the lesser attenuation.

(d) When a spurious emission results and causes harmful interference, the Commission may require appropriate technical changes in equipment to alleviate the interference.

(e) The emission of an unmodulated carrier is prohibited except for test purposes as required for proper station and system maintenance.

§ 94.73 Power limitations.

On any authorized frequency, the average power delivered to an antenna in this service shall be the minimum amount of power necessary to carry out the communication desired, but in no event shall the average effective radiated power (ERP) as referenced to an isotropic radiator, exceed the values specified below.

Further, the output power of a transmitter on any authorized frequency in this service shall not exceed 20 watts (43 dBm).

- Peak envelope power shall not exceed five times the average power delivered to the antenna.
- Except when an omnidirectional transmitting antenna is authorized, the maximum shall be 60 dBm.

§ 94.75 Antenna limitations.

(a) Except where omnidirectional operation is specifically provided for under this part, each station in this service shall employ directional antennas with center of the major lobe of radiation directed toward the receiving station with which it communicates or, if the path employs a passive repeater, to the receiving end of that repeater.

(b) Directional antennas shall meet the performance standards indicated in the following tables:

<table>
<thead>
<tr>
<th>Frequency band</th>
<th>Maximum beamwidth to 3 dB points</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>900 to 600 MHz</td>
<td>10 degrees</td>
<td>A</td>
</tr>
<tr>
<td>600 to 200 MHz</td>
<td>20 degrees</td>
<td>B</td>
</tr>
<tr>
<td>540 to 576 MHz</td>
<td>1.6 degrees</td>
<td>D</td>
</tr>
<tr>
<td>12,200 to 12,700 MHz</td>
<td>1.0 degrees</td>
<td>A</td>
</tr>
<tr>
<td>Above 12,700 MHz</td>
<td>To be specified in authorization.</td>
<td></td>
</tr>
</tbody>
</table>

(c) Authorizations for stations in this service will specify the use of horizontal, vertical or, in the case of polarization diversity, both vertical and horizontal polarization of the transmitted signal, as appropriate for the system involved. Polarization of other than vertical or horizontal will not be authorized.

(d) New periscope antenna systems will be authorized upon a certification that the radiation, in a horizontal plane from an illuminating antenna and reflector combination meets or exceeds the antenna standards of this section and, at locations shall not be within 20 degrees horizontal from the main beam of 175-180 degrees for the particular band and antenna category selected.

(e) The provisions of this section shall apply to passive repeaters employed to re-direct or repeat the signal from a station's directional antenna system, but these passive repeaters will be distinguished from periscope antenna systems on the basis that they reflect the radiation of a directional antenna system from horizontal or near horizontal to the horizontal or near horizontal. In such instances, the center lobe of radiation from the directional transmitting antenna shall be directed to the center of the passive repeater; and the major lobe of the re-radiation from the reflector shall be directed toward the center of the receiving antenna with which this station communicates.

(f) Intentional design of systems employing diffraction or scattering modes are specifically prohibited.

§ 94.81 Type acceptance and technical information filings of microwave equipment.

(a) Except for equipment used under a developmental authorization, equipment listed below shall have received either type acceptance by the Commission for use under applicable rules of this subpart or technical information for application acceptance reference shall have been submitted to the Commission, as appropriate.

(1) Type acceptance by the Commission shall be required for all transmitters employed in this Service.

(b) Technical Information for Application Reference shall be filed with the Commission for each receiver in this Service, with the results thereof entered in the station records when the receiver is employed directly or indirectly to modulate a transmitter in this Service.

(c) Technical Information for Application Reference shall be filed with the Commission for each antenna employed in this Service.

§ 94.83 Transmitter control requirements.

Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

§ 94.85 Transmitter measurements.

(a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records when the transmitter is initially installed and when any change is made in the transmitter which may affect the carrier frequency or the stability thereof.

(b) The Heezen of each station shall employ a suitable procedure to determine that the power delivered by the transmitter to the antenna and the maximum effective radiated power (ERP) does not exceed the limitations specified in the microwave station authorization. Such a procedure may consist of measuring the power output of the transmitter, record measurements, and determining the power delivered to the antenna and the ERP. This determination shall be made, and the results thereof entered in the station records when the transmitter is initially installed; and when any change is made which would increase the power delivered to the antenna or the ERP.

Subpart D—Station Operating Requirements.

§ 94.101 Suspension of transmissions required.

The radiation of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.
PROPOSED RULES

§ 94.103 Operating requirements.

(a) All transmitter adjustments or tests during or coincident with the installation, servicing or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radio or radiotelegraph, who shall be responsible for the proper functioning of the station equipment.

(b) An unlicensed person, with the consent or authorization of the licensee, may operate stations in this service for the purpose of telecommunications.

(c) The provisions of this section authorizing unlicensed persons to operate stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof) in accordance with the terms of the licenses of such stations.

§ 94.109 Inspection of station and station records.

All stations and records of stations in this service shall be available at any reasonable time for inspection by an authorized representative of the Commission.

§ 94.111 Inspection and maintenance of tower marking and associated equipment.

The licensee of any radio station which has an antenna structure required to be illuminated pursuant to the Federal Communications Act of 1934, as amended, and/or Part 17 of this chapter, shall operate and maintain the tower marking and associated equipment in accordance with the following:

(a) The tower lights shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or, alternatively, such lights shall be provided and properly maintained an automatic alarm system designed to detect any failure of the tower lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure, shall be reported immediately by telephone or teletype to the nearest Flight Service Station or office of the Federal Aviation Administration.

(c) When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made as follows:

(i) The time the tower lights are turned on and off each day, if manually controlled.

(ii) The time the daily check of proper operation of the tower lights was made.

(iii) In the event of any observed or otherwise known failure of a tower light:

(A) Nature of such failure.

(B) Date and time such failure was observed or otherwise noted.

(iv) Date, time, and nature of the adjustments, repairs, or replacements made.

(v) Identification of Flight Service Station (Federal Aviation Administration) notified of the failure of any code or rotating beacon light not corrected within 30 minutes, and the date and time such notice was given.

(vi) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the requisite illumination was resumed.

(vii) Upon completion of the 3-month periodic inspection required by § 94.111(e):

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators, and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(d) The records shall be kept in an orderly manner, and in such detail that the facts are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(e) Each entry in the records of each station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

(f) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any record or portion thereof may be made only by the person originating the entry, who shall strike out the cr-
ronous portion, initial the correction made and indicate the date of correction. (g) Records required by this part shall be retained by the licensee for a period of at least one year.

Subpart E—Developmental Operation
§ 94.151 Eligibility. An authorization for developmental operation in this service may be issued for the purpose of developing a radio-communication service or technique which offers reasonable promise of substantial contribution to the expansion or extension of the radio art, along lines not already investigated.

§ 94.153 Showing required. Each application for developmental operation shall be accompanied by a showing that:
(a) The applicant has an organized plan of development leading to a specific objective;
(b) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;
(c) The program will be conducted by qualified personnel;
(d) The applicant is legally and financially qualified and possesses adequate technical facilities for conduct of the program as proposed; and,
(e) The public interest, convenience, or necessity will be served by the proposed operation.

§ 94.155 Limitations on use. Stations used for developmental operation shall be constructed and used in such a manner as to conform with all of the technical and operating requirements of Subparts C and D of this part, unless deviation therefrom is specifically requested in the instrument of authorization.

§ 94.157 Frequencies available for assignment. Stations engaged in developmental operation may be authorized to use a frequency, or frequencies, available for the service in which they propose to operate. The number of channels assigned will depend upon the specific requirements of the developmental program itself, and the number of frequencies available in the particular area where the station will be operated.

§ 94.159 Interference. The operation of any station engaged in developmental work shall be subject to the condition that no harmful interference is caused to the operation of stations licensed on a regular basis under any part of the Commission's rules.

§ 94.161 Special provisions. (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.
(b) Where some phases of the developmental program are not covered by the general rules in this chapter and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each use, and deemed necessary in the public interest, convenience, or necessity.
(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 94.165 Report of operation. Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without hearing, if, in the opinion of the Commission, the public interest, convenience, or necessity so require.

3. The Commission has also received a report on this subject from the Office of Telecommunications Policy (OTP). The OTP report (attached as Appendix B) makes a number of major specific recommendations for rule changes. Basically, it is contemplated that a separate category of the rules be established for emergency medical services. An interim report developed in the contract study has been submitted (attached as Appendix A) and is designed to facilitate the development of communication requirements of the medical community and has developed a number of conclusions that appear to indicate the necessity for new approaches to achieving effective medical communications.

4. The findings and recommendations in the OTP and ATS reports are both extensive and urgent. It is determined, therefore, that it is in the public interest...
that careful and prompt consideration be given to these reports in an effort to meet the communication requirements for emergency medical services. However, before taking action on these reports, we believe it is desirable to obtain comments on the findings and recommendations from interested persons. Accordingly, Notice of Inquiry is hereby given and comments are solicited on these proposals. It should be noted that on the basis of these reports and the comments received in response to this inquiry, we may adopt amendments of Parts 2 and 89 of the Commission's Rules concerning medical services communications.

5. Recently, the Commission has received inquiries and requests for waiver of the rules to authorize medical communications systems that are not permitted by the present rules but are oriented towards the types of systems contemplated either in the OTP or ATS reports, or for licensing of medical operations such as bio-medical telemetry in services such as Class A and Class C Citizens, which the applicants believe are desirable for their particular operations. While some of these requests have merit, we believe it is premature to authorize, on a waiver basis, or in the Citizens Radio Service, new medical communications systems before we take a comprehensive look into this matter. Accordingly, aside from exceptionally unique situations, action on such application requests or for rule waivers will be postponed until after the conclusion of this proceeding.

6. Authority for these actions is contained in sections 4(i) and 303(r) and 403 of the Communications Act of 1934, as amended. In accordance with applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 10, 1974, and reply comments on or before January 25, 1974. Pursuant to § 1.419(b) of the Commission's rules, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission. All relevant and timely comments will be considered, and the Commission will make final action taken in this proceeding.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this notice of proposed rule making, will be available for public inspection in the Docket Reference Room of the Commission's Offices in Washington, D.C.


FEDERAL COMMUNICATIONS COMMISSION,

Secretary.

[FR Doc.73-25890 Filed 12-5-73;8:45 am]

PROPOSED RULES

[47 CFR Part 87] [DOCKET NO. 73-32; FCC 73-1240] AIRCRAFT IDENTIFICATION

Proposed Abbreviated Methods

In the matter of amendment of § 87.115 of the Commission's rules to provide an abbreviated method of aircraft identification during organized flying activity of short duration.

1. Notice of proposed rule making is hereby given.

2. The Commission has regularly been receiving requests for waiver of § 87.115(e) or the rules regarding aircraft identification. These requests arise from the fact that abbreviated identification methods are used during flying activity of short duration, such as air races and glider competitions.

3. During such flying activities, participants prefer not to use the registration or "N" number of the aircraft because of its relative length. Consequently, abbreviated identifiers have been used in the past and appear to be workable.

4. The system hereby proposed requires the sponsoring organization of such flying activities to obtain approval from the Commission in advance of the event. The sponsoring organization will be required to notify the Commission of the participating aircraft.

5. The proposed amendment as set forth below is issued pursuant to the authority contained in section 303 of the Communications Act of 1934, as amended.

Proposed Amendment

(a) This subpart is issued pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969, Pub. Law 91-190 (NEPA), as implemented by Executive Order 11514 and by "Preparation of Environmental Impact Statements: Guidelines," issued by the Council on Environmental Quality (CEQ), 40 CFR Part 1500.1, et seq. (1973) (CEQ Guidelines).

(b) As used in this subpart, "environmental impact statement" means a detailed statement as provided for in Section 102(2)(C) of NEPA, as interpreted by Executive Order 11514, and CEQ Guidelines.

1. The environmental impact of a proposed action;

2. Any adverse environmental effects which cannot be avoided should the proposal be implemented;

3. Alternatives to the proposed action;

4. The relationship between local short-term uses of man's environment and enhancement of long-term productivity; and

5. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

§ 8.82 Declaration of policy.

(a) No Commission rule or order which is a major action significantly affecting the environment will be promulgated unless an environmental impact after coordination with the FAA for use by aircraft stations participating in an organized flying activity of short duration. The Commission shall be advised in advance of each event of the registration marking (N number) of each participating aircraft.

FEDERAL TRADE COMMISSION


Proposed Revision

The Federal Trade Commission invites comments and suggestions from interested parties with respect to the following proposed revisions of the Commission's rules of practice and procedure, §§ 1.81-1.85 (proposed §§ 1.81-1.86). Comments are invited on or before January 21, 1974. After consideration of the comments and views of interested parties, the Commission will make revisions it deems appropriate and will codify these rules in final form in 16 CFR Ch. I.

Sections 1.81 to 1.86 would be revised to read as follows:

§ 1.81 Authority and definition.

(a) This subpart is issued pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969, Pub. Law 91-190 (NEPA), as implemented by Executive Order 11514 and by "Preparation of Environmental Impact Statements: Guidelines," issued by the Council on Environmental Quality (CEQ), 40 CFR Part 1500.1, et seq. (1973) (CEQ Guidelines).

(b) As used in this subpart, "environmental impact statement" means a detailed statement as provided for in Section 102(2)(C) of NEPA, as interpreted by Executive Order 11514, and CEQ Guidelines.

1. The environmental impact of a proposed action;

2. Any adverse environmental effects which cannot be avoided should the proposal be implemented;

3. Alternatives to the proposed action;

4. The relationship between local short-term uses of man's environment and enhancement of long-term productivity; and

5. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

§ 1.82 Declaration of policy.

(a) No Commission rule or order which is a major action significantly affecting the environment will be promulgated unless an environmental impact
PROPOSED RULES

§ 1.83 Draft environmental impact statements: Availability and comment.

(a) Staff proposals recommending the initiation of a rule or guide proceeding, as well as staff evaluations of legislative proposals and legislative reports in an area in which the Commission has primary responsibility, in consultation with CEQ and develop a statement promptly after the action, in accordance with CEQ Guidelines, 40 CFR 1500.11(e).

(b) No Commission legislative proposal or Commission legislative report on a proposal in an area in which the Commission has primary responsibility, concerning an action significantly affecting the environment, will be submitted to Congress without an accompanying environmental impact statement, except that:

(c) An environmental impact statement will not be prepared when the Commission finds that expeditious action is in the public interest. In such instance, the Commission will consult with CEQ and develop a statement promptly after the action, in accordance with CEQ Guidelines, 40 CFR 1500.11(e).

(d) Nothing in this procedure shall be construed as stating or implying that section 102(2)(C) of NEPA applies to an agency law enforcement purposes; any process or order issued by the Commission in connection with any type of investigation, determination of voluntary compliance or consent decree entered into by the Commission; or any adjudicatory proceedings commenced by the Commission.

§ 1.84 Final environmental impact statements.

(a) After the close of the comment period, the Commission will consider the comments received on the draft environmental impact statement and will put the draft environmental impact statement in final form, attaching the comments received (or summaries if response was exceptionally voluminous).

(b) Upon Commission approval of the final environmental impact statement and the matter for which it was prepared, the final environmental impact statement will be:

(1) Transmitted to CEQ for listing in the weekly Federal Register notice of draft environmental impact statement;

(2) In rule or guide proceedings, placed in the public record to which it pertains; in legislative matters, placed in a public record to be established, containing the legislation or legislative report to which it pertains; these will be available to the public through the Office of the Assistant Secretary for Legal and Public Records, Federal Trade Commission, Washington, D.C. 20580;

(3) Published in full with the appropriate proposed rule, guide, legislation, or legislative report in the Federal Register;

(4) Forwarded to the Environmental Protection Agency's Office of Federal Activities (EPA) and to the National Technical Information Service of the Department of Commerce, Springfield, Virginia 22151 (NTIS);

(5) Circulated to appropriate Federal, State, and local agencies with jurisdiction by law or special expertise, by means, where appropriate, of Office of Management and Budget (OMB), clearinghouse mechanism No. A-95 (revised);

(6) Circulated to appropriate private organizations and individuals;

(7) In the case of legislation, transmitted to Congress together with the proposed legislation or report to which it pertains.

§ 1.85 Implementing procedures.

(a) The General Counsel is designated the official responsible for the Commission's environmental impact statements and for otherwise coordinating the Commission's efforts to improve the environmental quality. The General Counsel will provide assistance to the staff in determining when an environmental impact statement is needed and in its preparation, and after review he will refer environmental impact statements to the Commission with recommendations.

(b) The Commission will determine whether an action complies with NEPA.

(c) The Directors of the Bureaus of Consumer Protection and Competition will establish procedures for their bureaus to assure that every proposed rule and guide is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed.

(d) The General Counsel will establish procedures to assure that every legislative proposal and legislative report on a matter for which the Commission has primary responsibility is reviewed to assess the need for an environmental impact statement and that, where need exists, an environmental impact statement is developed.

§ 1.86 Effect on prior actions.

With respect to proceedings already in progress, the Commission recognizes that it will not be possible to comply fully with the procedures here outlined and, in particular, that it will not be possible in every instance to include within the record all of the material relating to the environmental impact of the contemplated action which might otherwise be developed. Nonetheless, it is the policy of the Commission to apply these procedures to the fullest extent possible to proceedings which are already in progress.

All comments and suggestions should be in writing and submitted before January 23, 1974, addressed to the Secretary, Federal Trade Commission, Washington, D.C. 20580.


[Seal] CHARLES A. TOBIN, Secretary.

[FR Doc.73-25845 Filed 12-5-73; 3:45 am]
DEPARTMENT OF STATE ADVISORY COMMITTEE ON SCIENCE AND FOREIGN AFFAIRS

Notice of Meeting

The Department of State Advisory Committee on Science and Foreign Affairs will meet on December 14 and 15, 1973 at 9:30 a.m. in Room 7516, Department of State, 2201 "C" Street, NW., Washington, D.C. 20520.

The Committee exists to provide the Department of State with a source of outside expertise and counsel on a wide range of foreign policy problems and opportunities created by or involving scientific and technological developments. The subjects to be discussed at the forthcoming meeting will include security and other policy aspects of uranium enrichment and technology transfer, with particular reference to the matter of what position the United States should adopt with respect to cooperation with foreign nations in expanding uranium enrichment capacity in the world and the question of what consequences might be expected to flow from efforts to control the export of United States technology for economic as well as security reasons.

In accordance with section 10(d) of the Advisory Committee Act (P.L. 92-463), it has been determined that the above meeting will necessarily involve discussion of matters concerned with those recognized as not subject to public disclosure under 5 U.S.C. 522(b)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting will therefore be closed to the public.

Any questions concerning the meeting should be directed to J. Kenneth Mansfield, Executive Secretary, Department of State Advisory Committee on Science and Foreign Affairs. (202-632-3624)


J. KENNETH MANSFIELD,
Executive Secretary, Advisory Committee on Science and Foreign Affairs.

[FR Doc. 73-25907 Filed 12-5-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

KOKHANOK VILLAGE

Final Eligibility of Native Village; Correction

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart 2651.2(a)(2) of subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on pages 14222 and 14223 of the May 30, 1973, issue of the Federal Register.


Accordingly, pursuant to the authority contained in said Act of December 18, 1971, and Subpart 2651.2 of said regulations, notice is hereby given that the following is a final decision determining the eligibility of a certain Native village in Alaska listed in section 11(b)(1) of said Act. Notice of proposed eligibility was published on pages 19255, 19256 and 19257 of the July 19, 1973, issue of the Federal Register. Said notice was also published in one or more newspapers of general circulation in Alaska and a copy was mailed to each affected village; all villages located in the Native region in which the affected village is located; all Native regional corporations within the State of Alaska; and the State of Alaska.

Interested parties were allowed until August 20, 1973, to file protests to the proposed decisions.

In the notice published on pages 26217, 26218 and 26219 of the Federal Register on September 12, 1973, the Native Village of Kokhanok (Kakhanok), Bureau of Land Management Serial No. AA-6673, was incorrectly listed in the Federal Register and the corrected list is as follows:

No protests having been received as a result of the notice published in the Federal Register on July 19, 1973, the proposed decision now becomes final.

The Director, Juneau Area Office, Bureau of Indian Affairs will issue a certificate of eligibility for land benefits under the Act to the above listed village of Kokhanok (Kakhanok) and will certify the record and the final decision to the Secretary. A copy of this final decision and a certification of eligibility will be mailed to the eligible village; each other village located in the same region as the eligible village; all regional corporations within the State of Alaska; and the State of Alaska.

This is a notification of the first of several notices that final decisions have been made as to the eligibility of listed villages. Future notices will be issued as to the final eligibility of villages when and if such eligibility becomes established.

JOHN A. MOORE,
Acting Director,

[FR Doc. 73-25908 Filed 12-5-73; 8:45 am]

PAULOFF HARBOR (SANAK), ALASKA

Administrative Determination on Ineligibility as Native Village

This is a written decision on a protest filed pursuant to 43 CFR, Part 2650 by the Aleut Corporation by and through its attorneys, Kay, Miller, Libbey, Kelly, Christie and Fuld, hereinafter referred to as protestant, First National Building, Suite 500, Anchorage, Alaska 99501. The protestant is a corporation organized under the Act of December 22, 1920 (43 Stat. 1204), and is the successor in interest of the Aleut Corporation which was incorporated by the Act of December 22, 1920, and is the successor in interest of the Aleut Corporation incorporated by the Act of December 22, 1920.

The protestant objects to the Native Village of Pauloff Harbor (Sanak) being determined to be ineligible because protestant contends that the village does not meet the requirements of 43 CFR 2650.3.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b) (2) of the Act is quoted as follows: "Within two and one-half years of the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b) (1) hereof, and a village shall not be eligible for land benefits under subsections 14(a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

[FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973]
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UNGAA, ALASKA
Administrative Determination on Eligibility as Native Village

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Joseph C. Manga, P.O. Box 844, Fairbanks, Alaska 99707, Azel L. Crandall, c/o O.M.S.P.O. Box 487, Fairbanks, Alaska 99707, and Keith A. Christenson, P.O. Box 424, Eagle River, Alaska 99577, hereinafter referred to as protestants. The protest of Mr. Crandall was dated October 30, 1973, and received on November 1, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Mr. Christenson was dated October 31, 1973, and received on November 2, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Mr. Manga was dated October 18, 1973, and received on November 2, 1973, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestants Manga and Crandall objected to the Native Village of Unga being added to the list of proposed eligible Native Villages on the grounds it is a "Ghost Town" and it is not eligible to receive lands under the Alaska Native Claims Settlement Act.

Protestant Christenson states "That the town of Unga is devoid of any permanent population and was abandoned some time prior to his first visit there."

The Alaska Native Claims Settlement Act, 82 Stat. 838-876, and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 1112 of that Act is quoted as follows: "Within two and one-half years from the date of enactment of this Act, the Secretary shall review all of the villages listed in subsection (b)(1) hereof, and a village shall not be eligible for land benefits under subsection 14(a) and (b), and any withdrawal for such village shall expire, if the Secretary determines that—

(a) Less than twenty-five Natives were residents of the village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, which shall be in each instance, * * * . (Emphasis Ours.)"

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43 of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Subpart 2651.2 of Title 43 CFR contains the authority for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of November 17, 1973, 43 Natives had been certified for enrollment in the Village of Unga. This field investigation was completed of Unga and at that time nineteen Natives who use the village for a period of time in 1970 had been certified for enrollment to this village.

The Director, Juneau Area Office, Bureau of Indian Affairs has examined and evaluated the protest together with his record of findings of fact and proposed decision, and does hereby render a decision determining that the Native village of Unga is eligible for land benefits under said Act. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the Federal Register and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in §2651.2(a)(5) of Title 43 CFR, on or before January 7, 1974. Appellants shall have more than 15 days from the date of filing of his notice of appeal within which to file an appeal brief, and the opposing parties shall have more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval.

JOHN A. MOORE, Acting Director.

NOTICE OF MEETING
SAFFORD DISTRICT ADVISORY BOARD

Notice of Meeting

Meeting of the Advisory Board for the Safford District will be held at 9 a.m. on January 15, 1974, at the Safford District Office, 1707 Thatchers Boulevard, Safford, Arizona. The agenda will include considering and recommending action on the following: (1) Reorganization of the Board, (2) grazing applications for the 1974 Season, (3) allotment Management Plans, (4) status of current programs and (5) proposed rule making.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior the meeting. Interested persons may file a written statement with the board for its consideration. They should be sent to the Chairman, District Advisory Board, c/o District Manager, Bureau of Land Management, Vol. 38, No. 234—Thursday, December 6, 1973

FEDERAL REGISTER
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The meeting will be open to the public insofar as space is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Time will be available for oral statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Written statements and requests to give oral statement to the board should be submitted to J. Stewart Wright, Chair, M-2 District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

A second meeting is scheduled on February 13, 1974 (same time and place) to consider protests from actions recommened and agenda topics not covered in the January 10, 1974 meeting.

Charles R. Knight,
Acting District Manager.

M-3 MILES CITY DISTRICT ADVISORY BOARD
Notice of Meeting
Notice is hereby given that the Advisory Board for the Powder River Grazing District Number 3 will meet January 9, 1974 at 10:00 a.m. in the conference room of the Miles City Community College, Miles City, Montana. The agenda for the meeting will include election of board officers, review of minutes of the previous meeting, recommendations on applications for: 1974 grazing licenses, term grazing permits, transfers of grazing privileges and range improvement permits. Other agenda topics are: proposed rule making for branding of licensed horses and burros, the Bureau planning system, policy on range improvements, and review of proposed projects for fiscal year 1975.

The meeting will be open to the public insofar as space is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Written statements and requests to give oral statement to the board should be submitted to Elmer O. Allen, Vice-Chairman, c/o District Manager, Bureau of Land Management, P.O. Box 440, Miles City, Montana 59301.

A second meeting is scheduled on February 12, 1974 (same time and place) to consider protests from actions recommended and agenda topics not covered in the January 9, 1974 meeting.

Charles R. Knight,
Acting District Manager.

NOTES

SOUTHWEST REGIONAL ADVISORY COMMITTEE
Notice of Meeting
Notice is hereby given in accordance with the Federal Advisory Committee Act that the organizational meeting of the Southwest Regional Advisory Committee will be held on Thursday and Friday, December 13, and 14, 1973. On December 13, the meeting will commence at 9 a.m. at the Regional Office of the Southwest Region, National Park Service, Old Santa Fe Trail, Santa Fe, New Mexico. On December 14, the Committee will assemble at 8:30 a.m. at Pecos National Monument, Pecos, New Mexico, for an inspection of the area.

The Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The purpose of the meeting is to attend to the organizational requirements of the Committee, to receive activity reports on matters affecting the Southwest Region of the National Park Service, and a field inspection of Pecos National Monument.

The meeting will be open to the public. Transportation will not be provided members of the public for the field inspection of Pecos National Monument. Members of the public may participate in the field inspection by providing their own transportation. Any person may file with the Committee a written statement concerning the matters to be discussed.

Persons who wish to file a written statement, or who want further information concerning this meeting, may contact Frank Menzer, at the Southwest Regional Office, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, New Mexico 87501 (Area Code 505, 982-3375). Minutes of the meeting will be available for public inspection three weeks after the meeting at the Southwest Regional Office, Santa Fe, New Mexico.


Robert M. Landau,
Liaison Officer, Advisory Commissions, National Park Service.

M-2 MILES CITY DISTRICT ADVISORY BOARD
Notice of Meeting
Notice is hereby given that the Advisory Board for the Big Dry Grazing District Number 3 will meet January 10, 1974 at 10:00 a.m. in the conference room of the Miles City Community College in Miles City, Montana. The agenda for the meeting will include election of board officers, review of minutes of the previous meeting, recommendations on applications for: 1974 grazing licenses, term grazing permits, transfers of grazing privileges and range improvement permits. Other agenda topics are: proposed rule making for branding of licensed horses and burros, the Bureau planning system, policy on range improvements, and review of proposed projects for fiscal year 1975.

The meeting will be open to the public insofar as space is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Written statements and requests to give oral statement to the board should be submitted to Elmer O. Allen, Vice-Chairman, c/o District Manager, Bureau of Land Management, P.O. Box 440, Miles City, Montana 59301.

A second meeting is scheduled on February 12, 1974 (same time and place) to consider protests from actions recommended and agenda topics not covered in the January 9, 1974 meeting.

Charles R. Knight,
Acting District Manager.

Federal Register, Vol. 38, No. 234—Thursday, December 6, 1973
DEPARTMENT OF AGRICULTURE
INLAND STEEL CO.
Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Land for Land Exchange Proposed by Inland Steel Company in the Superior National Forest, USDA-FS-DES (ADM) 74-43.

The environmental statement concerns a proposed land exchange between Inland Steel Company and the United States.

This draft environmental statement was filed with CEQ on November 29, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
13th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Eastern Region
603 W. Wisconsin Avenue
Milwaukee, Wisconsin 53201

USDA, Forest Service
Superior National Forest
Federal Bldg.
Duluth, Minnesota 55801

USDA, Forest Service
Virginia Ranger District
Virginia, Minnesota 55793

USDA, Forest Service
Aurora Ranger District
Aurora, Minnesota 55705

A limited number of single copies are available upon request to Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151; Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Superior National Forest, P.O. Box 338, Duluth, Minnesota 55801.

Written comments must be received by January 13, 1974 in order to be considered in the preparation of the final environmental statement.

[FR Doc.73-25911 Filed 12-5-73;8:45 am]

BIGHORN NATIONAL FOREST GRAZING ADVISORY BOARD
Notice of Meeting

The Bighorn National Forest Grazing Advisory Board will meet at 1:00 p.m. on January 8, 1974, at the Northern Hotel in Billings, Montana.

The purpose of the meeting is to consider and discuss:

1. Improved range management practices on National Forest lands.
2. Wildlife winter range relationships between National Forest and private lands.
3. The composition of Advisory Board, representation of members, and current procedures and requirements for the functioning of the Board.

The meeting will be open to the public. Persons who wish to attend should notify Leonard Masters, Ranchester, Wyoming 82839 (Phone 307-655-2363). Written statements may be filed with the Advisory Board before or after the meeting.

[FR Doc.73-25811 Filed 12-5-73;8:45 am]

DEPARTMENT OF COMMERCE
National Bureau of Standards
FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE
Notice of Meeting

Pursuant to Public Law 92-463, and Executive Order 11856, notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 10 a.m. to 1 p.m. on Wednesday, December 19, 1973, in Room B-233, Building 226 of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Institute for Computer
NOTICES

Office of the Secretary

[Dept. Organization Order 10-3]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Authority and Functions

This order effective November 11, 1973, superscedes the material appearing at 37 FR 25555 of December 1, 1972; and 38 FR 4278 of February 12, 1973.

Sec. 1. Purpose. This order prescribes the scope of authority of the Assistant Secretary for Domestic and International Business and prescribes the general organization and management of the Bureau of Domestic and International Business Administration (DIBA). The organizational structure of DIBA and the assignment of functions therein are prescribed in Department Order 40-1.

Sec. 2. Administrative designation. The position of Assistant Secretary of Commerce, established by Public Law 80-191 (15 U.S.C. 1505), shall continue to be designated the Assistant Secretary for Domestic and International Business. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

Sec. 3. Scope of authority. The Assistant Secretary for Domestic and International Business shall be the head of the Domestic and International Business Administration.

The Assistant Secretary for Domestic and International Business shall be assisted by the following DIBA officials in carrying out his responsibilities:

a. The Deputy Assistant Secretary for International Economic Policy and Research.

b. The Deputy Assistant Secretary for Domestic Commerce.

c. The Deputy Assistant Secretary for International Commerce who shall also be the National Export Expansion Coordinator.

d. The Deputy Assistant Secretary for Resources and Trade Assistance.

e. The Deputy Assistant Secretary for East-West Trade.

f. The Deputy Assistant Secretary for Administrative Management, DIBA.

04 DIBA's International Economic Policy and Research Staff shall be headed by a Deputy Assistant Secretary who shall report and be responsible to the Assistant Secretary, DIB.

The Bureau of Domestic and International Commerce, the Bureau of Resources and Trade Assistance, the Bureau of East-West Trade, and the Directorate of Administrative Management shall be the mainline components of DIBA and shall be headed by Deputy Assistant Secretaries who shall be directors of these respective component units and who shall report directly to the Assistant Secretary, DIB.

Sec. 4. Delegation of authority. The Assistant Secretary, DIB, is hereby delegated the authority of the Secretary of Commerce under the provisions:


b. The Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), conferred on the Secretary under Executive Order 10408 of May 1956, as amended, including authority to issue or modify orders restricting surface transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Order T-1 and T-2, except the authority to create new agencies within the Department of Commerce;

c. Headnote 2, Subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 2021 et seq), relating to the development, maintenance, and publication of a list of bona fide motor vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under Section 601(2) of Title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

d. Executive Order 11490 of October 28, 1969, as it relates to the development of national emergency importation plans and programs concerning production functions and to the regulation and control of exports and imports under the jurisdiction of the Department, in support of national security, foreign policy, and economic stabilization objectives;

e. The National Security Act of 1947 (50 U.S.C. 401 et seq.) as amended, as it relates to mobilization preparatory responsibilities assigned thereunder;

f. The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h), as amended, with respect to the acquisition of stocks of materials for defense purposes;

g. Executive Order 11179 of September 22, 1964, with respect to the establishment and training of the National Defense Executive Reserve;

h. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

i. The Trade Expansion Act of 1962, as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 11075 of November 3, 1961, issued pursuant thereto, relating to the drawing of attention to the need to use investment opportunities abroad;


k. The Act of October 18, 1962, as amended (22 U.S.C. 1122b), which authorized mobile trade fairs;

l. The China Trade Act of 1922, as amended (15 U.S.C. 141 et seq.);

m. Section 4221 of the Internal Revenue Code of 1954 (26 U.S.C. 1103), as amended, including authority to issue or modify orders restricting foreign trade or the movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Order T-1 and T-2, except the authority to create new agencies within the Department of Commerce;

n. Section 402 of the Act of June 30, 1949 (40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, Section 601 of the Act of June 30, 1949 (40 U.S.C. 473) relating to the importation into the U.S. of surplus property sold in foreign areas before July 1, 1949, as delineated to the Secretary of Commerce pursuant to F.L.C. Reg. 8 (44 CFR 300.15);


p. Headnote 6(d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Public Law 89-885, pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements, among producers located in the Virgin Islands, Guam, and American Samoa, respectively;


r. The Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended and extended by the Equal Export Opportunity Act (Public Law 92-412), the administration of which was delegated to the Secretary of Commerce by Executive Order 11533 of June 4, 1970 and 11683 of August 29, 1972, except that the following power, authority, and discretion shall be reserved to the Secretary:

1. The determinations required by Section 7(c) with respect to the publication or disclosure of confidential information obtained under the provisions of the Act, and...
NOTICES

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

This order effective November 27, 1973, supersedes the material appearing at 38 FR 21368 of November 6, 1971, including all attachments.

SECTION 1. PURPOSE

This order prescribes the policies and procedures to be followed throughout the Department in the preparation of statements and comments on proposals for legislation and other major actions significantly affecting the quality of the environment. This order is intended to supplement present Council on Environmental Quality Guidelines which are attached as Attachment A.

This revision reflects changes issued in the guidelines of the Council on Environmental Quality. It also contains additional information and procedures that would assist the Department in meeting the requirements of the National Environmental Policy Act of 1969.

SEC. 2. Statutory Background

a. Legislative actions including:

1. Projects and continuing activities.

b. Research is intended to form the basis for development of future programs which would be conducted with and without Federal involvement.

c. Policy changes or new procedures that may have a significant impact on the environment, including rules and regulations affecting the environment.

d. Research projects and activities when:

1. Research is to be conducted in a manner which would have direct impact on the environment, however localized such impact may be (e.g., cloud seeding experiments), or

2. Research is intended to form the basis for development of future projects which would be considered major actions under this order.

e. Projects in series. Where a series of related projects under a program have substantial cumulative impacts, the program, rather than the individual projects, may be considered as a major action for the purposes of this order, unless the proposed projects are to be conducted under widely varying geographic or environmental conditions. When a program environmental statement is prepared, supplemental statements may be required for specific activities.

2 Exclusions. The dollar and physical size of a project are not necessarily a re-

(2) The submission of reports to the President and to the Congress required by Section 10 of the Act;

b. Projects and continuing activities.

c. Policy changes or new procedures that may have a significant impact on the environment, including rules and regulations affecting the environment.

d. Research projects and activities when:

1. Research is to be conducted in a manner which would have direct impact on the environment, however localized such impact may be (e.g., cloud seeding experiments), or

2. Research is intended to form the basis for development of future projects which would be considered major actions under this order.

e. Projects in series. Where a series of related projects under a program have substantial cumulative impacts, the program, rather than the individual projects, may be considered as a major action for the purposes of this order, unless the proposed projects are to be conducted under widely varying geographic or environmental conditions. When a program environmental statement is prepared, supplemental statements may be required for specific activities.

.02 Exclusions. The dollar and physical size of a project are not necessarily a re-

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33625

1 Attachment A: See 38 FR 20569, August 1, 1973.
liable guide to determine whether it is a "major" action. The following shall not be considered major actions under this order:
a. Legislative proposals, program or budget proposals, or actions that would provide for the continuation of existing programs at approximately current levels and without material change in their environmental impact and for which a statement of environmental impact is prepared; and
b. Normal housekeeping functions including personnel actions, procurement of general supplies and contracts for personal services.

c. Licenses granted under export control procedures unless there is significant environmental impact.
d. Amendments to actions, including increases in cost, which do not alter the environmental impact of the actions.
e. Other actions specifically determined by the Deputy Assistant Secretary for Environmental Affairs not to fall under the requirement of this order if, on balance, they were believed to have a beneficial effect. A significant environmental impact may exist depending upon the extent to which there is a potential for: (1) an alteration of an ecosystem, (2) measurable and reasonably affecting existing or future population of man or other forms of life, or (3) a major commitment of natural resources or major change in land use. See section 1500.6 of Attachment A.
b. Cumulative impact. Actions which, in themselves, would not involve significant environmental impact as contemplated in this order nonetheless shall be considered as having a significant impact if they can reasonably be expected to set a precedent for a series of actions which, when considered cumulatively, would result in significant environmental impact. Actions involving several Federal actions in a specific area may result in a significant impact from the aggregate activity.

c. Significant impact. The term "significant impact" shall include major actions of the Department which may have both a beneficial and a detrimental effect. A significant impact may consist of both a potential for an alteration of an ecosystem, as well as environmental values; and environmental impact statements prepared for the preparation, review and commenting on environmental statements required in connection with budget materials shall be prescribed, as necessary, by the Assistant Secretary for Administration.

d. Keep the DAS/EA advised of (1) future actions that will have or be likely to have a significant impact on the environment and (2) other matters that affect the Assistant Secretary's assigned responsibilities in the environmental area.

e. Maintain, and submit quarterly to the Office of Environmental Affairs in accordance with the provisions of Section 1500.3(b) of this order, summaries and estimates of actions for which environmental statements are being prepared. Negative determinations in regard to preparation of environmental impact statements shall be included in these summaries and estimates.

f. Assist DAS/EA in determining whether a draft environmental impact statement or a negative declaration is required by the special conditions listed in section 1500.6(e) of Attachment A; and

g. Forward promptly to the DAS/EA any request for comments received directly from other agencies. However, this does not preclude field offices from providing a preliminary response to an impact statement received locally, if it is made clear that the official DoC position on the draft environmental impact statement is not yet developed;

h. The General Counsel. Pursuant to the functions in Departmental Organization Order 10–4, and the provision of DIO 216–1, supplementary procedures for the preparation, review, and coordination of environmental statements required in connection with legislative proposals or reports shall be prescribed. As necessary, the General Counsel of the Department.

i. Assistant Secretary for Administration. Pursuant to the functions in Departmental Organization Order 10–5 and the provision of DIO 216–1, supplementary procedures for the preparation, review, and coordination of environmental statements prepared for the preparation, review and commenting on environmental statements required in connection with budget materials shall be prescribed, as necessary, by the Assistant Secretary for Administration.

j. Prepare, at the earliest practicable time, a discussion paper for any proposed action which may have a potential environmental impact. The discussion paper should provide both a potential environmental impact statement or a negative declaration is required by the special conditions listed in section 1500.6(e) of Attachment A; and

k. Submit the discussion paper to DAS/EA for circulation within the Department.

l. Assist DAS/EA in determining whether a draft environmental impact statement or a negative declaration shall be prepared.

m. Announce publicly that an environmental statement is to be prepared. This announcement shall be sent to the CEQ and other Federal, State, and local agencies as appropriate, and it shall be publicly posted. The announcement shall request comments which may be helpful in the preparation of the draft environmental statement. As required by section 8 of this Order, a current list of administr
 Draft environmental impact statements are being prepared and will be available for public inspection upon request.

b. Prepare and maintain a list of the names and addresses of members of the public who have shown an interest in particular actions.

d. Assist the agencies in obtaining adequate public notice both of the preparation of the draft environmental statement and of the availability of draft environmental impact statements.

Sec. 3. Reporting requirements. In order to comply with section 1508.6(e) of the revised CEQ Guidelines, all operating units should submit to the Office of Environmental Affairs a listing of administrative actions for which environmental statements are being prepared. This listing should be updated by revised submissions due on the last working day of each calendar quarter. The list should also include with appropriate explanations those actions where a negative determination has been made on the preparation of environmental impact statements when:

a. Such actions would normally require preparation of a statement;

b. Statements have been prepared for similar actions;

c. A previous announcement has been made that a statement would be prepared; or

d. The CEQ has made a specific request that preparation of a statement be considered.

Sec. 8 A consolidated listing will be furnished by the Office of Environmental Affairs to the CEQ for publication in the Federal Register.

H. B. Turner,
Assistant Secretary
for Administration.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Food and Drug Administration

Order Denying Hearing to Vineland Laboratories, Inc., and Hess & Clark

In FR Doc. 73-22745 appearing on page 39510 in the issue of Thursday, October 25, 1973, the fourth line of the first column on page 39514 should read "Richardson, 453 F. 2d 803 (C.A. 8, 1972)."

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In FR Doc. 73-22745 appearing on page 39510 in the issue of Thursday, October 25, 1973, the fourth line of the first column on page 39514 should read "Richardson, 453 F. 2d 803 (C.A. 8, 1972)."

OFFICE OF EDUCATION
HIGHER EDUCATION PERSONNEL FELLOWSHIPS

Proposed Criteria for Funding of Applications for Fiscal Year 1974; Notice of Cutoff Date for Filing Applications

In FR Doc. 73-22340, appearing on page 32962 in the issue for Thursday, November 29, 1973, in the first sentence of paragraph "9." the date "January 3, 1973" should read "January 3, 1974."

DEPARTMENT OF TRANSPORTATION
Coast Guard
NELBRO PACKING CO., WASH.

Qualification as a Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1936, as added by the Act of September 2, 1973 (46 U.S.C. 883-1) to Nelbro Company of 567 N.E. Northlake Way, Seattle, Washington 98105, incorporated under the laws of the State of Washington, did on November 5, 1973, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form CO-126.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;
(b) Not less than 90 percent of the employees of the corporation are residents of the United States;
(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;
(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and
(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on November 5, 1973, issued to Nelbro Company a certificate of compliance on Form CG-126, as provided in 46 CFR 67.23-7, certifying that any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.


D. H. CLINTON,
Captain, U.S. Coast Guard, Act-
ing Chief, Office of Merchant Marine Safety.

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On December 12 and 13, 1973, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C. The Advisory Council is composed of 22 mem-

* Attachments B and C are filed as part of original document.
cers, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motorcycle vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to approval of the Secretary of Transportation.

On December 12 at 9:00 a.m. in room 4238 the Crashworthiness Committee will meet with the following agenda:

Air Bag Filed Tests.

Fire Hazards in Motor Vehicle Accidents.

Crash Speed for Research Safety Vehicle.

Safety Defects: Seat Design/Anchorage and Occupant Protection.

New Business.

At 1:30 p.m. on December 12 the Accident Avoidance and Operating Systems Committee will meet along with the Motorcycle Safety Subcommittee in room 4238 with the following agenda:

Standards Applicable to Multi-Purpose Vehicles and Light Duty Trucks.

Review of Vehicle-In-Use Standards.

Overview of Title III—Motor Vehicle Information and Cost Savings Act.

Underride Protection for Heavy Duty Trucks.

Status of Proposed Motorcycle Standards.

Status Report on Bi-Level Motorcycle Safety Defects.

New Business.

On December 13 at 9:00 a.m. in room 4238 the Consumer and Public Information Committee will meet with the following agenda:

Use of Mass Media in Highway Safety.

Title II—Motor Vehicle Information and Cost Savings Act.

Publicizing Benefits of Motor Vehicle Safety Standards.

New Business.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-465, Federal Advisory Committee Act (FACA), effective January 3, 1973.

For further information contact the NTRA Executive Committee, room 3215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.


CLAYTON BURKHART, Executive Secretary.

[FR Doc.73-3582 Filed 12-4-73 8:45 am]

NOTICIES

ATOMIC ENERGY COMMISSION

HIGH ENERGY PHYSICS ADVISORY PANEL

Notice of Meeting


On December 17-18, 1973, there will be a meeting of the Atomic Energy Commission's High Energy Physics Advisory Panel at the Central Laboratory Building, the Stanford Linear Accelerator Center, Stanford, California. Below is that portion of the Panel's meeting agenda on practical considerations may require alterations in the agenda or schedule.

(1) Monday, December 17, 1973

9:00 a.m. National Accelerator Laboratory Status Report—J. Sanford/R. Wilson.

9:30 a.m. National Accelerator Laboratory Electron Target—Presentation and Panel Discussion.

10:45 a.m. Role of Superconducting Synchrocyclotron in High Energy Physics Program—R. G. Sachs.

11:30 a.m. Report on AEC Energy Activities.

1:30 p.m. Presentation of Stanford Linear Accelerator Center Program.

5:00 p.m. Discussion of Health of High Energy Physics:

—Present Physics Outlook: P. H. Bucks

—Output Indicators—Report of Science and Technology Office.

In addition to the above agenda items, the Panel will hold executive sessions on Tuesday, December 18, 1973, in the morning and late afternoon. I have determined, in accordance with subsection 16(a) of Public Law 92-465, that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close these portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operations.

The Chairman of the High Energy Physics Advisory Panel is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than December 10, 1973, to George W. Wheeler, Acting Executive Secretary, Division of Physical Research, U.S. Atomic Energy Commission, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such request shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Panel. To the extent that the time available at the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Acting Executive Secretary.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Acting Executive Secretary of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the ruling on requests for the opportunity to present oral statements, and the time apportioned, can be obtained by a prepaid telephone call on December 16, 1973, to the Acting Executive Secretary of the Panel (phone: 301-973-3587) between 9:00 a.m. and 4:30 p.m., Eastern Standard Time.

(e) Seating for the public will be available on a first-come, first-served basis.

(f) Copies of minutes of public sessions will be made available for copying, following their acceptance by the Panel at its next meeting, in accordance with the Federal Advisory Committee Act, at the Atomic Energy Commission's Public Document Room, 1171 H Street, NW., Washington, D.C., payment of all charges required by law.

JOHN C. RYAN, Advisory Management Officer.

Notice of Receipt of Attorney General's Advice

The Commission has received, pursuant to section 106 of the Atomic Energy Act of 1944, as amended, a letter of advice from the Attorney General of the United States, dated November 27, 1973, a copy of which is attached as Appendix A.

The Department of Justice advice letter with regard to this matter, dated August 29, 1972, has been withdrawn and the Department of Justice's proposal for license conditions in the matter is receded.

For the Atomic Energy Commission.

ABRAHAM BAUERMAN, Chief, Office of Antitrust & Indemnity Directorate of Licensing.

APPENDIX A

LOUISIANA POWER AND LIGHT CO.

Notice of Receipt of Attorney General's Advice

The Commission has received, pursuant to section 106 of the Atomic Energy Act of 1944, as amended, a letter of advice from the Attorney General of the United States, dated November 27, 1973, a copy of which is attached as Appendix A.

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ABRAHAM BAUERMAN, Chief, Office of Antitrust & Indemnity Directorate of Licensing.

APPENDIX A

Louisiana Power and Light Company, Waterford Generating Station Units 1 and 4, AEC Docket Nos. 50-382A and 50-382A, Department of Justice File 60-418-53.

In our letter of December 14, 1972, the Department of Justice informed the Commission that our review of the above-captioned matter revealed that the Department of Justice had agreed to accept conditions to the Commission's issuance of a construction permit for the Waterford Unit 1. Subsequently, in our opinion, the conditions were "calculated to provide immediately, and on reasonable notice, access to a number of the coordinating arrangements which are most urgently
needed by those who have complained about Applicant’s previous conduct, our consideration of the possible antitrust violations and our conclusion that the need for additional antitrust relief was not demonstrated. Our advice was that the Commission need not hold an antitrust hearing.

In our letter of March 30, 1973 the Department informed the Commission that at the Department’s letter of advice was published in the Federal Register, the Department advised the Applicant that it was not prepared to take any further action. After meeting with the Applicant on March 21, 1973 in an effort to resolve the differences, and exploring the Department’s position to the Atomic Safety and Licensing Board at its hearing on March 28, 1973, the Department concluded in its letter of March 30, 1973 as follows: Unless Applicant is willing to agree to license conditions substantially different from the ones that have been explained more fully in our March 30 letter, after meeting with the Applicant on March 21, 1973 in an effort to resolve the differences, and exploring the Department’s position to the Atomic Safety and Licensing Board at its hearing on March 28, 1973, the Department concluded in its letter of March 30, 1973 as follows: Unless Applicant is willing to agree to license conditions substantially different from the ones that have been explained more fully in our March 30 letter, after meeting with the Applicant on March 21, 1973 in an effort to resolve the differences, and exploring the Department’s position to the Atomic Safety and Licensing Board at its hearing on March 28, 1973, the Department concluded in its letter of March 30, 1973 as follows: Unless Applicant is willing to agree to license conditions substantially different from the ones that have been explained more fully in our March 30 letter, after meeting with the Applicant on March 21, 1973 in an effort to resolve the differences, and exploring the Department’s position to the Atomic Safety and Licensing Board at its hearing on March 28, 1973, the Department concluded in its letter of March 30, 1973 as follows:

I hereby inform the Commission that the Department’s advice letter of August 18, 1973 is withdrawn, and that the Department’s proposals contained in that letter are rescinded. I regret having to take this step at this time. We have tried very hard to resolve our differences, and however, the Applicant’s position leaves the Department with no choice under the statute.

The Atomic Energy Commission has issued two guides in its Regulatory Guide series. These two guides have been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission’s regulations. These guides contain the essential techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.


Regulatory Guides are available for inspection at the Commission’s Public Document Room, 1717 H Street, NW., Washington, D.C. They may be requested in writing to the Director of Licensing, Room F-118. The agenda for the meeting will cover the following topics: Licensing of Investment Programs; Considerations for Licensing of Wide-Scale Use; and Preparation of Environmental Impact Statements.

The meeting will be open to the public. Notice of the meeting is published in the Federal Register, Vol. 38, No. 234—Thursday, December 6, 1973.

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. This guide has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission’s regulations. These guides contain the essential techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.


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NOTICES

CIVIL AERONAUTICS BOARD

[Order 73-11-149]

ASIATIC FORWARDERS, INC.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of November, 1973.

Temporary relief of Asiatic Forwarders, Inc. to perform household goods services for the Department of Defense.

Application of Asiatic Forwarders, Inc. for international air freight forwarder authority.

Temporary relief from provisions of the Federal Aviation Act to permit certain unauthorized air carriers to transport household goods for Department of Defense (DOD), granted to Asiatic Forwarders, Inc. and others, was to expire 180 days after the Board's decision in the Household Goods Air Freight Forwarder Investigation. Docket 20812, became final or upon Board disposition of the carrier's application for forwarder authority whichever occurred first.

In addition to being one of the first carriers to provide such service for DOD, as well as one of the first to obtain temporary relief, Asiatic Forwarders has on file an application for interstate and international air freight forwarder operating authority. The application has been pending since the applicant is owned by Domestic Air Express (DAX), an authorized interstate air freight forwarder, and is an affiliate of Intra Mar Shipping Corporation, an authorized international air freight forwarder.

Since DAX is in bankruptcy and Chapter XI of the Bankruptcy Act and Asiatic Forwarders is its best source of revenue, the Board has determined that it would not be in the public interest to require divestiture of Asiatic Forwarders by DAX in order to issue an authorization to Asiatic Forwarders. Moreover, DAX is not in a position to surrender its domestic operating authority. Thus, in order to allow DAX to retain its domestic authority, Intra Mar to retain its international authority, and to permit Asiatic Forwarders to continue to serve DOD, the Board extended Asiatic Forwarders' temporary relief for a period of two years, to April 2, 1975.

It appeared that such action would give DAX an opportunity to rehabilitate itself with the bankruptcy court and allow DAX and Asiatic Forwarders to order their affairs.

By letter dated October 11, 1973, Intra Mar offers to surrender its international authority, henceforth encompassing only its interstate carriage of household goods for DOD personnel, be extended until April 2, 1975.

In our view, issuance of international authority to Asiatic Forwarders, upon surrender of Intra Mar's authorization, and extension of Asiatic Forwarders' temporary relief to provide interstate transportation of household goods for DOD personnel will not run contrary to the Board's policy against issuance of multiple authorizations. In fact, the combined authority of DAX and its affiliates

× Order 71-10-36, dated October 18, 1971.
× Having such application on file was a prerequisite to obtaining temporary relief.
× The Board has approved DAX's acquisition of Asiatic Forwarders (Order 60-3-117, February 24, 1969) and Intra Mar (Order 69-3-173, June 30, 1969).
× Asiatic Forwarders has submitted a complete and satisfactory application for forwarder authority and the international authorization may be granted upon completion of incidental prerequisites thereto.
NOTICES

FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973

Notices

Pan American World Airways, Inc.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of November, 1973.

By tariff revisions filed August 15, 1973, Pan American World Airways, Inc. (Pan American), proposed to increase its transatlantic B-707 midweek and weekend charter rates $2.50 per plane mile in both directions, effective September 15, 1973. Pan American also proposed increases of $2.50 in midweek and weekend charter prices in the Pacific area and in weekend charter rates to Latin America, effective November 1, 1973. Additionally, the carrier proposed a $2.50 per plane mile increase in ferry rates in all areas, a corresponding increase in B-707 split charter rates, and other minor changes in the definitions of seasonal and weekend/weekend periods.

In its justification, Pan American states that the revenue impact of the increased rate, excluding ferry charges, is expected to be a $2.74 million increase, or 6.2 percent, in revenues in the transatlantic market, and 8.75 million (including ferry charges) and 11.94 million (excluding ferry charges) in other areas.

The carrier contends that even with the increase, it expects to incur losses in charter service in every area except the Pacific totaling $3.5 million. Pan American cited its need for a new source of revenue on charter flights due to its large and increasing commitments of B-707s, which will cost Pan American about $2.7 million in charter expenses for the first six months of 1974.

Pan American also stated that the proposed rate increase is necessary to transport by air, in interstate and foreign commerce, personal effects (including unaccompanied baggage) and property used or to be used in transportation only, used household goods, oil, and (2) objects of art (other than personal effects), and fn. 2 objects of art (other than personal effects), displays and exhibits.

Two years from service date of Order 73-5-135. Relief granted herein superseded the relief granted to Pan American by Order 73-4-196.

For the reasons stated in Pan American's filing, the Board, in accordance with the terms of the agreement, finds that the rate increase proposed by Pan American is reasonable; that Pan American's existing transatlantic B-707 mileage tariff is not fully compensatory, Pan American continues to experience losses in charter service in every area except the Pacific, totaling $3.5 million, and a 1.4 percent negative return on investment in commercial passenger charter service. The carrier also contends that as a result of the failure of the carriers to reach agreement on minimum transatlantic charter rates in Board proceedings, Pan American was forced to wait longer than seven months for Board action, and that the Board recently issued a proposed statement of policy whereby any North Atlantic charter rate set below 2.2 and 2.4 cents per mile for midweek and weekend charters, respectively, would be regarded as prima facie unjust and unreasonable; that Pan American's existing transatlantic B-707 mileage tariff was singled out by the Board in this notice as "clearly inadequate to cover fully allocated costs of services"; and that Pan American has already stated that the minimum rates proposed "are probably two low and should be raised."

In responding to World's complaint, Pan American asserts that it represents another example of the supplemental carriers' attitude towards competition and their irresponsibility in charter pricing. At the same time, Pan American states that Pan American's effort to increase charter prices is insufficient, it is already quoted peak season charter prices at one point, and that Pan American's effort toward a more cost-related charter rate structure given the competitive milieu in which it must contend, especially.

Pan American states that the revenue impact of the increased rate, excluding ferry charges, is expected to be a $2.74 million increase, or 6.2 percent, in revenues in the transatlantic market, and $3.75 million (including ferry charges) and $5.48 million (excluding ferry charges) in other areas.

Pan American cited its need for a new source of revenue on charter flights due to its large and increasing commitments of B-707s, which will cost Pan American about $2.7 million in charter expenses for the first six months of 1974.

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noteworthy suspensions have been granted by the Board. It has recognized in its proposed rule making the intense competition in this area, and the resultant excess capacity which has made economic charter pricing impractical, and has served notice of its intention to intervene after establishing a minimum charter rate policy; that intervention in advance of its final rule making by suspending one carrier’s rates as requested by World and Pan American for that one carrier to charge higher noncompetitive rates would be unreasonable and unfair; and that while it would be reasonable for the Board to suspend all carriers’ rates below a given level, World is asking the Board to compel one carrier—Pan American—to surrender its charter market and, therefore, is seeking compulsion by suspending one carrier’s rates as requested by World and Pan American for that one carrier to charge higher noncompetitive rates which the Board can lawfully give.

As indicated, the Board has pending a notice of Proposed Rulemaking (PSDR-2.2 and 2.4 cents per seat mile for midcontinent and 2.775 acres of land will be committed to the project. Four hundred and sixty-six acres will be used for sediment pools, and an additional 2,075 acres will be occasionally inundated (36 pages). (ELR Order No. 31822.) (NTIS Order No. EIS 73 18BD.)

Draft
Red Deer Creek Watershed Project, Texas. Gray, Hemphill, and Roberts counties, November 26: The statement refers to a proposed project on the 39,010 acre watershed. The project is intended to protect against erosion, increase the efficiency of irrigation water use, develop wildlife habitat, and improve wildlife habitat. Project measures will include land treatment and 20 floodwater retarding structures. A total of 2,775 acres of land will be committed to the project. Four hundred and sixty-six acres will be used for sediment pools, and an additional 2,075 acres will be occasionally inundated (36 pages). (ELR Order No. 31827.) (NTIS Order No. EIS 73 18BD.)

Pendleton Watershed, Ill., LaSalle and Bureau counties, November 26: The statement refers to a proposed project on the Black-and-White Watershed, the project is intended to protect against erosion, increase the efficiency of irrigation water use, develop wildlife habitat, and improve wildlife habitat. Project measures will include land treatment and 20 floodwater retarding structures. A total of 2,775 acres of land will be committed to the project. Four hundred and sixty-six acres will be used for sediment pools, and an additional 2,075 acres will be occasionally inundated (36 pages). (ELR Order No. 31827.) (NTIS Order No. EIS 73 18BD.)

Draft
West Bradfield Timber Sale, Tongass National Forest, November 37: The statement refers to the proposed timber sale of 60 million board feet of timber. The sale will include lands within and western hemlock from 2,076 acres. Removal will be on an even-aged management basis. The sale area is within the Tongass National Forest, on the mainland along the East Fork of the Bradfield River, 38 miles south of Sitka. Adverse impact would include the loss of wilderness character along part of the East Bradfield River. (ELR Order No. 31845) (NTIS Order No. EIS 73 1844D.)

Proposed Land Exchange, Superior National Forest, Minn., St. Louis, Lake, and Cook counties, November 26: The proposed sale involves lands between the Inland Steel Company and the Federal government. Inland Steel would receive 4,060 acres of National Forest lands, which would be used for overburden dump removal with a total of 3,364 acres and water and COE, USB, state and local agencies, and concerned citizens. (ELR Order No. EIS 73 1849D.)

(NTIS Order No. EIS 73 1859F.)

DEPARTMENT OF DEFENSE

Armed Forces


Draft
Saw Mill River at Ardsley, November 26: The statement refers to a proposed flood control project on the Saw Mill River at Ardsley. Project measures will include channel improvements, levees, walls, a stilling basin, and drainage facilities. Construction of the project will result in a decrease of natural fish and wildlife habitat (New York District) (41 pages.) (ELR Order No. EIS 73 149D.)

Perdido Pass Channel, Ala., Baldwin County, November 26: The statement refers to the proposed maintenance dredging of 60,000 cu. yds. of spoil annually from the Anchorage Harbor. Adverse impact will include disruption to marine biota and to the water-land interface (Anchorage District) (9 pages). (ELR Order No. 31854) (NTIS Order No. EIS 73 1854D.)

Pinole Shoal Channel, San Pablo Bay, Calif., November 26: The statement refers to a proposed maintenance dredging of 600,000 cu. yds. of shoal material from Pinole Shoal Channel, and the disposal of the spoil to the San Pablo Bay. Adverse impact will be to marine biota (38 pages). (ELR Order No. 31851) (NTIS Order No. EIS 73 1851D.)

Noyo Harbor Navigation Dredging, Calif., Mendocino County, November 26: The statement refers to the proposed maintenance dredging of 500,000 cu. yds. of material from the harbor. The spoil will be deposited at a land disposal site, where five acres of grassland will be covered with spoil. (San Francisco District) (22 pages). (ELR Order No. 31865.) (NTIS Order No. EIS 73 1853D.)
Jacksonville Harbor, Supplement, Fla., November 28: The project involves the proposed maintenance dredging of a 900- to 9000-foot channel from the Gulf of Mexico to the entrance of Rockland Harbor, with the site of spoil deposit; aquatic life will be adversely affected (68 pages). Comments made by: DOI, EPA, USDA, State and local agencies. (ELR Order No. EIS 73 1858F.)

Evansville Local Protection Project, Ind., Vanderburgh County, November 28: The project involves the construction of a pumping station and control gate designed to alleviate flooding. Clearing of 26 acres of willow trees will occur. Adverse impact stemming from the project includes increased turbidity in the River, with the potential to impact wildlife species. Comments made by: DOI, EPA, USDAs, DOT, State agencies and concerned citizens. (ELR Order No. EIS 73 1865F.)

Raritan River, Rockland Harbor, N.J., November 28: The project involves the proposed maintenance dredging of a 9000-foot channel from the entrance of Rockland Harbor to the Gulf of Mexico, with the site of spoil deposit. Marine life will be adversely affected (50 pages). Comments made by: USDA, DOI, EPA, HUD, State and local agencies. (ELR Order No. EIS 73 1849F.)

NOTICES
FEDERAL REGISTER, Vol. 38, No. 254—Thursday, December 6, 1973
No. 234—Pt. 1—9

Flood Control, Navigation, Little Calumet River, Ind., November 30: The project will provide protection from flooding, through main stream channel alterations and levees, along the Little Calumet River. Also provided will be 2500 acres of recreational space created by constructing nodes located at Illinois, Indiana, and Ohio borders and the need for navigation. Adverse impacts include those of large releases of water for short periods of time during peak power generation, and of discharges in late summer containing low dissolved oxygen levels and causing concern downstream. (Mobile District.) (29 pages.) (ELR Order No. EIS 73 1831D.) (NTIS Order No. EIS 73 1832D.)

Flood Control, Port Sanilac Harbor, Mich., Sanilac County, November 17: The project involves the construction of a 70-foot extension to the breakwater of the harbor, in order to provide protection to small craft on Lake Erie. The harbor will be located at the Village of Port Sanilac, St. Clair County, and an unspecified amount of wetlands will occur in the path of the widened river. There will be a short-term widening and degradation during construction (60 pages.) (ELR Order No. EIS 73 1860D.) (NTIS Order No. EIS 73 1860D.)

Rockland Harbor, Maine, November 28: The project involves maintenance dredging of the Federal navigation channel at Rockland Harbor. Approximately 160,000 cubic yards of material will be excavated and deposited at an ocean disposal site in Penobscot Bay. Marine biota will be adversely affected by the project. (Waltham District.) (29 pages.) (ELR Order No. EIS 73 1856D.) (NTIS Order No. EIS 73 1865D.)

Fairport Harbor, Ohio, Lake County, November 28: The statement refers to the proposed development of a harbor, and the adverse environmental impacts are that some marine organisms will be destroyed in the dredge/spoil areas. Water quality will temporarily suffer degradation. Results from the spoil material may have long-term effects on the developing eggs of larvae of the plankton in the Lake. (Mobile District.) (63 pages.) Comments made by: DOE, DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. EIS 73 1860F.) (NTIS Order No. EIS 73 1860F.)

Kahului Harbor, Maui, Hawaii, November 28: The project involves the proposed dredging of a channel connected to the Kahului Harbor. The channel will be 20 feet wide and 15 feet deep, and the construction of a 70-foot extension to the breakwater of the harbor. The project will result in temporary adverse effects to the marine and oceanic environments. Comments made by: DOI, EPA, HEW, DOT, State agencies. (ELR Order No. EIS 73 1859F.) (NTIS Order No. EIS 73 1859F.)

Missouri River, Garrison Dam to Lake Oahe, N.D., Watford City, November 28: The statement considers erosion protection measures (including the construction of revetment walls and the relocation of borrow areas). The effects of the action are changes in land use; siltation of the natural terrain and obstruction of river view; and the relocation of 3,000 acres of land. Comments made by: DOI, EPA, USDAs, DOT, State agencies and concerned citizens. (ELR Order No. EIS 73 1866F.) (NTIS Order No. EIS 73 1866F.)

West Hickman, Ky., Fulton County, November 28: The project involves the construction of a sedimentation basin for the storage of sediment that will be generated by the Corps of Engineers at the construction site. The project will result in temporary adverse effects to the environment. Comments made by: DOI, EPA, HUD, State and local agencies. (ELR Order No. EIS 73 1871F.) (NTIS Order No. EIS 73 1871F.)

Richmond Inner Harbor, Calif., Contra Costa County, November 28: The statement refers to the proposed maintenance dredging of the channel from the entrance of the Richmond Inner Harbor to the Gulf of Mexico, with the site of spoil deposit. Marine life will be adversely affected (61 pages). Comments made by: DOE, EPA, Contracting Agent Parties, and concerned citizens. (ELR Order No. EIS 73 1829F.) (NTIS Order No. EIS 73 1829F.)

Port Sanilac Harbor, Mich., Sanilac County, November 27: The project involves the construction of a 70-foot extension to the breakwater of the harbor, in order to provide protection to small craft on Lake Erie. The harbor will be located at the Village of Port Sanilac, St. Clair County, and an unspecified amount of wetlands will occur in the path of the widened river. There will be some adverse impact to waterfowl (10 pages). Comments made by: USDA, DOI, EPA, USN, DOT, State and local agencies. (ELR Order No. EIS 73 1869D.) (NTIS Order No. EIS 73 1869D.)

The project involves the proposed maintenance dredging of Buttermilk Channel between Gover­nors Island and Brooklyn to its authorized dimensions. Five hundred thousand cubic yards of spoil will be deposited in the New York Bight. There will be some adverse impact to marine life (42 pages). Comments made by: DOE, EPA, USDAs, DOT, State agencies. (ELR Order No. EIS 73 1872F.) (NTIS Order No. EIS 73 1872F.)

Allatoona Dam and Lake, Ga., Bartow, Cherokee, and Cobb Counties, November 28: The project involves the continuation and maintenance of an existing multipurpose dam and reservoir located on the Etowah River in Bartow, Cherokee and Cobb Counties. The project provides flood control, navigation, electrical power generation, recreational opportunities and recreational facilities for navigation. Adverse environmental effects include flooding of tributary man-made lakes, wildlife habitat loss, loss of peak power generation, and discharge of water from the project in late summer containing low dissolved oxygen levels and causing concern downstream. (Mobile District.) (29 pages.) (ELR Order No. EIS 73 1831D.) (NTIS Order No. EIS 73 1832D.)

Springfield Lake flood control project, with its permanent 100 acre pool and permanent 65 acre subimpoundment, both of which provide opportunities for recreation activities. Flooding at certain times could have serious adverse effects to riparian vegetation and wildlife activities. (Mobile District.) (25 pages.) (ELR Order No. EIS 73 1830F.) (NTIS Order No. EIS 73 1830F.)

Seattle Harbor Navigation Project, Wash., King County, November 28: The statement refers to the proposed maintenance dredging of navigation channels in the vicinity of Seattle, at the Duwamish River, Seattle Harbor. Adverse impact of the project will be to waterfowl and shoreline (Seattle District.) (38 pages.) (ELR Order No. EIS 73 1869D.) (NTIS Order No. EIS 73 1869D.)

Flood Control, Navigation, Little Calumet River, Ind., November 30: The project will provide protection from flooding, through main stream channel alterations and levees, along the Little Calumet River. Also provided will be 2500 acres of recreational space created by constructing nodes located at Illinois, Indiana, and Ohio borders and the need for navigation. Adverse impacts include those of large releases of water for short periods of time during peak power generation, and of discharges in late summer containing low dissolved oxygen levels and causing concern downstream. (Mobile District.) (29 pages.) (ELR Order No. EIS 73 1831D.) (NTIS Order No. EIS 73 1832D.)

Humboldt Harbor and Bay, Calif., Humboldt County, November 28: The statement refers to the project which involves the maintenance dredging of navigation channels in Humboldt Harbor and Bay, and the construction of a 70-foot extension to its entrance. Marine life will be adversely affected by dredging operations. (68 pages.) Comments made by: DOI, EPA, Contracting Agent Parties, state, and local agencies, and concerned citizens. (ELR Order No. EIS 73 1829F.) (NTIS Order No. EIS 73 1829F.)

Guilford Harbor Dredging, Conn., November 28: The project involves maintenance dredging of Guilford Harbor. Adverse environmental impacts are that some marine organisms will be destroyed in the dredge/spoil areas. Water quality will temporarily suffer degradation. Results from the spoil material may have long-term effects on the developing eggs of larvae of the plankton in the harbor. (Watham District.) (63 pages.) Comments made by: DOI, EPA, HEW, State and local agencies, and concerned citizens. (ELR Order No. EIS 73 1860F.) (NTIS Order No. EIS 73 1860F.)

Evansville Local Protection Project, Ind., Vanderburgh County, November 28: The project involves the proposed dredging of Buttermilk Channel between Governors Island and Brooklyn to its authorized dimensions. Five hundred thousand cubic yards of spoil will be deposited in the New York Bight. There will be some adverse impact to marine life (42 pages). Comments made by: DOE, EPA, USDAs, DOT, State agencies. (ELR Order No. EIS 73 1872F.) (NTIS Order No. EIS 73 1872F.)

The statements refer to the proposed maintenance dredging of the channel from the entrance of Rockland Harbor to the Gulf of Mexico, with the site of spoil deposit. Marine life will be adversely affected (50 pages). Comments made by: USDA, DOI, EPA, HUD, State and local agencies. (ELR Order No. EIS 73 1868F.)
NOTICES

Federal Register, Vol. 38, No. 234—Thursday, December 6, 1973

Comments made by: USDA, HUD, DOT, EPA, DOI, State and local agencies. (ELR Order No. 31839.) (NTIS Order No. 31839F.)

Euron Harbor, Ohio, Erie County, November 28: The proposed project is the construction of a three story Federal Building-Courthouse, Elkins, W. Va., Randolph County, November 29: The proposed project is the maintenance dredging of harbor channels in Hampton Roads, Elizabeth River, and Southern Branch, involving the removal of 805,000 cu. yd. of material. Material will be affected by the proposed project involves the construction of Sitka Airport, Alaska, November 29: The project includes extending runways and lighting systems, relocating HL and VASI and installing an FAA air traffic control tower. The construction will commit to on the proposed route. The (4) statements

Final

John Day Fossil Beds National Monument, Oregon, November 28: The statement refers to the proposed legislative designation of a 14,402 acre area as a National Monument. Comments made by: USDA, DOE, DOT, FPC, State agencies and concerned citizens. (ELR Order No. EIS 73 1838F.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Streets, NW, Washington, D.C. 20590, 202-434-4181.

FEDERAL AVIATION ADMINISTRATION

Draft

Sitka Airport, Alaska, November 29: The project includes extending runways and lighting systems, relocating HIL and VASI and installing an FAA air traffic control tower. The construction will commit to the proposed repaving and widening of US 281 beginning at 6th Street and ending at 15th Street in Hastings. Included in the improvement is the reconstruction of 3.1 mile long section of US 281.

Final

Dayville Highway, Alaska, November 27: The project involves realigning a portion of the highway to realign the airport so that it will be better able to accommodate additional types of business jets. One runway will be constructed. Adverse impacts will be increased on the proposed repaving and widening of US 281.

Draft

Silsta Highway, Alaska, November 28: The project involves the upgrading of 38 miles of the existing substandard road to Federal secondary standard. The project extends from Homer to two blocks east and west of the proposed construction. The existing road has a crest curve and is located on 154 acres of land. The project is designed to accommodate the Boeing 737 and C-141 aircraft. The project involves realigning the runway and taxiway and air carrier airport, installing HIL and VASI at both ends of the runway, installing perimeter fencing, and acquiring additional land (104 acres) for an instrument landing system. Noise and air pollution levels will increase due to operation of larger aircraft (51 pages). Comments made by: DOT, COE, USDA, HUD, DOI, EPA, and State agencies. (ELR Order No. 31874.) (NTIS Order No. EIS 73 1840D.)

US 33634

Environmental effects associated with construction, (22 pages). Comments made by: DOT, COE, USDA, HUD, DOI, EPA, and State agencies. (ELR Order No. 31874.) (NTIS Order No. EIS 73 1840D.)

Draft

Albert J. Ellis Airport, N.C., Onslow County, November 29: The project involves realigning the runway and taxiway, the installation of medium intensity runway lights, and the grading and paving of taxiways. Adverse Impacts are the increases in noise and air pollution due to more air traffic. Also, four acres of trees must be cleared completely and 15.6 acres of land must be destroyed. The construction of the new highway (35 pages). Comments made by: EPA, State agencies. (ELR Order No. 31833.) (NTIS Order No. EIS 73 1833F.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240. 202-348-9381.

NATIONAL PARK SERVICE

Draft

Proposed Wilderness, Big Bend National Park, Tex., November 28: The statement refers to the proposed legislation designating of 20,700 acres as a recreation area. The proposed legislation deems the area as a national wild and scenic river. The area is located on 154 acres of land.

Final

US Highway 276, Nebraska, Cuming County, November 30: The proposed project consists of reconstructing a 1.7 mile segment of US 276 to provide a four-lane facility of high type pavement through the City of West Point. Approximately 186 trees, involving 49 homes and one building will be displaced. Comments made by: COR, USDA, HUD, DOI, EPA, and State agencies. (ELR Order No. 31898.) (NTIS Order No. EIS 73 1839F.)

US 291 (Burlington Avenue), Nebraska, Adams County, November 28: The statement refers to the proposed repaving and widening of US 291 beginning at 6th Street and ending at 15th Street in Hastings. Included in the improvement is the reconstruction of 3.1 mile long section of US 291.

Final

US 6 (I-35), Interchange, Minnesota, Stearns County, November 28: The project involves the addition of an interchange to Interstate 35 west of Owatonna. The interchange is to provide access to the General Motors plant. Adverse impacts on the wildlife area.

US 281 (Burlington Avenue), Nebraska, Adams County, November 28: The statement refers to the proposed repaving and widening of US 281 beginning at 6th Street and ending at 15th Street in Hastings. Included in the improvement is the reconstruction of 3.1 mile long section of US 281.

DEPARTMENT OF COMMERCE

Federal Building, Post Office and Courthouse, Elkins, W. Va., Randolph County, November 29: The proposed project is the extending and paving of a runway; installing perimeter fencing; and relocating REIL and VASI at both ends of the runway. The construction will commit to the existing substandard road to Federal

US 33634
Establishment of Temporary Tolerance

The Upjohn Co., Kalamazoo, MI 49001, submitted a petition (PP 4G1422) requesting establishment of a temporary tolerance for residues of the plant regulator cycloheximide (3-[2-(3,5-dimeth-yl - 2 - oxocyclohexy1)]-2-hydroxyethyl1 glutarimide) in or on the raw agricultural commodity group citrus fruits at 0.1 part per million.

It has been determined that this temporary tolerance will protect the public health. It is therefore established on condition that the temporary permit which is being issued concurrently and which provides for distribution under the Upjohn Co. name.

This temporary tolerance expires November 30, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).


HENRY J. KORP,
Deputy Assistant Administrator
for Pesticide Programs.

FR Doc.73-25799 Filed 12-5-73;8:45 am

U.P.J.O.N. CO.

Establishment of Temporary Tolerance

The Upjohn Co., Kalamazoo, MI 49001, submitted a petition (PP 4G1422) requesting establishment of a temporary tolerance for residues of the plant regulator cycloheximide (3-[2-(3,5-dimethyl - 2 - oxocyclohexyl)]-2-hydroxyethyl glutarimide) in or on the raw agricultural commodity group citrus fruits at 0.1 part per million.

It has been determined that this temporary tolerance will protect the public health. It is therefore established on condition that the temporary permit which is being issued concurrently and which provides for distribution under the Upjohn Co. name.

This temporary tolerance expires November 30, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).


HENRY J. KORP,
Deputy Assistant Administrator
for Pesticide Programs.

FR Doc.73-25799 Filed 12-5-73;8:45 am

ENVIRONMENTAL PROTECTION AGENCY

MOBIL CHEMICAL CO.

Establishment of Temporary Tolerances

Mobil Chemical Co., Post Office Box 240, Edison, NJ 08817, submitted a petition (PP 8G1362) requesting establishment of temporary tolerances for negligible residues of the herbicide bifenthrin (methyl 5 - (2'-4' - dichlorophenox)-2-nicotinic acid) in or on the raw agricultural commodities field corn grain, field corn, fodder and forage, and soybeans and soybean hay at 0.05 part per million.

It has been determined that the temporary tolerances for negligible residues of bifenthrin are likely to have no effect upon the public health. They are therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Mobil Chemical Co. name.

These temporary tolerances expire November 30, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).


HENRY J. KORP,
Deputy Assistant Administrator
for Pesticide Programs.

FR Doc.73-25799 Filed 12-5-73;8:45 am

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 677]

COMMON CARRIER SERVICES INFORMATION

Domestic Public Radio Services
Applications Accepted for Filing


Pursuant to § 1.227(b) (3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with the most recent public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a new application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

All applications listed in the appendix are subject to further consideration and review and may be resumed and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

The above alternative cut-off rules apply to those applications listed in the appendix as being closed for filing. Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Fari 21 of the Rules).
NOTICES

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20583-C2-P—74, James D. and Lawrence D. Anderson, assigns. Station: KLD726, Los Angeles, California.

20585-C2-P-74, Prank C. Escue d/b as Teléfono de San Angelo, Texas, assigns. Station: KCD632, San Angelo, Texas.


20579-C2—P— (3) — 74, Arnold E. Anderson, assigns. Station: KCD634, Karnes City, Texas.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE


20588-C2—P— 74, Mobilfone, Inc. (KMA253), assigns. Station: KCD636, Madison, Wisconsin.

33636-C2-AL-74, New Hampshire St., 0.5 mile West of US 77, assigns. Station: KCD637, Monticello, Utah.

C.P. for additional control facilities to operate on 152.060 MHz at Loc. No. 1: Deposit Guaranty Bank Bldgs., Corner Capitol and Lamar Road, Jackson (KKV692) C.P. for additional facilities to operate on 152.03 MHz at Loc. No. 5: San Pedro Hill, San Pedro, California.

C.P. for additional facilities to operate on 152.060 MHz at Loc. No. 1: KSB712, Halls Crossing, Utah; KSV74, Halls Crossing, Utah; WAX71, Bullfrog Mesa, Utah; WAX11, Helper, Utah; WHT79, Tommy White Ranch, Utah; WOU94, Elmer, Utah; and WSN29, Springdale, Utah.

3612-C6-P—74, Pacific Northwest Bell Telephone Company (NEW) C.P. for a new rural subscriber station to operate on 157.86 MHz to be located 8 miles SE of Bly, Oregon.

6011-C6-AL— (12) — 74, The Midland Telephone Company Consent to Assignment of License from Midland Telephone Company, assigns. Station: KCD638, Midland, Texas.

RURAL RADIO SERVICE

6011-C6-AL/L—74, TheMountain States Telephone Company, assigns. Station: KCD639, Monticello, Utah.

C.P. for a new rural subscriber station to operate on 157.85 MHz to be located 30 miles SE of Junction City, Kentucky. Lat. 37°35'27" N., Long. 84°05'8" W. C.P. to add freqs. 3950H MHz toward Argyle, Ky., on azimuth 145°34'; freq. 3990H MHz toward Nashville, Tenn., on azimuth 335° 42'.

6014-C6-AL—P—74, Penasco Valley Telephone Cooperative, Inc. (NEW) C.P. for a new rural subscriber station to operate on 157.80 and 157.98 MHz to be located at Patterson Ranch, 3/4 miles NW of State Road 137, SW of Artesia, New Mexico.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1794-C1-P—74, American Telephone and Telegraph Company (KQO68) 3.0 Miles NE of Amandas, Ohio. Lat. 39°41'17" N., Long. 82°43'22" W. C.P. to add freq. 4030V MHz toward Columbus, Ohio, on azimuth 222°41', station: KCD640, Columbus, Ohio.

1795-C1-P—74, Same (KQO74) 11 North 4th St., Columbus, Ohio. Lat. 39°57'54" N., Long. 84°49'13" W. C.P. to add freq. 3990H MHz toward Wiborg, Ky., on azimuth 42°46'.

1886-C1-P—74, Same (KIV76) Wiborg, 5.0 Miles North of Wiborg, Kentucky. Lat. 36°49'29" N., Long. 84°28'59" W. C.P. to add freq. 3950H MHz toward Pikeville, Tenn., on azimuth 146°14'; freq. 3990H MHz toward Crossville, Tenn., on azimuth 335°47'.

1885-C1-P—74, Same (KIV72) 6 Miles NE of Crossville, Tennessee. Lat. 36°01'10" N., Long. 84°15'58" W. C.P. to add freq. 3950H MHz toward Pikeville, Tenn., on azimuth 165°51'; freq. 3950H MHz toward Jamestown, Tenn., on azimuth 193°04'; freq. 3990H MHz toward Argyle, Ky., on azimuth 325°47'.

1388-C1-P—74, Same (KIV) 4.6 Miles East of Pikeville, Tennessee. Lat. 35°34'54" N., Long. 85°00'9" W. C.P. to add freq. 3950H MHz toward Pikeville, Tenn., on azimuth 146°14'; freq. 3990H MHz toward Crossville, Tenn., on azimuth 335°47'.

1488-C1-P—74, Same (KIV) 4.6 Miles East of Pikeville, Tennessee. Lat. 35°34'54" N., Long. 85°00'9" W. C.P. to add freq. 3950H MHz toward Pikeville, Tenn., on azimuth 146°14'; freq. 3990H MHz toward Crossville, Tenn., on azimuth 335°47'.

1798-C1-P—74, Same (KIP45) 3.1 East Broad St., Jacksonville, Florida. Lat. 30°42'57" N., Long. 82°07'55" W. C.P. to change antenna system & replace transmitter on freqs. 6019T7V, 6016T7V, 6012T7V, 6009T7V, 6005T7V toward Ocala, Fla., on azimuth 128°40'.

1799-C1-P—74, Same (KJL56) U.S. Route 27-441 (Alternate), Okeechobee, Florida. Lat. 27°35'57" N., Long. 80°45'56" W. C.P. to change antenna system on freq. 6019T7V, 6016T7V, 6012T7V, 6009T7V, 6005T7V toward Okeechobee, Fla., on azimuth 128°40'.
2008-C1—P-74, Northwestern Bell Telephone Company (KIME6), 3.5 Miles West of Earlham, Iowa, on azimuth 297°25'; change polarization from V to H on freqs. 3750, 3830, 3910, 3990, 4070, 4150 MHz; change from H to V on freq. 3770 MHz toward/payneville, Ky., on azimuth 359°58'; freq. 3770H MHz toward Tucker, Ga., on azimuth 359°58'; freq. 3770V MHz toward Monticello, Ga., on azimuth 179°58'.

2009-C1—P-74, Same (KIN65), 2.0 Miles West of Eldon, Iowa, on Long. 85°57'02" W. C.P. to add freq. 3770V MHz toward Russian, Ala., on azimuth 356°45'; freq. 3770V MHz toward Yancey, Ga., on azimuth 131°58'; change polarization from V to H on freqs. 3710, 3790, 3870, 3950, 4030, 4110 MHz toward Yancey, Ga.

2010-C1—P-74, Same (KIN14, Same (KIN9)), 1.6 Miles South of Monticello, Georgia. Lat. 33°59'00" N., Long. 83°46'00" W. C.P. to add freq. 3770H MHz toward本网, Tenn., on azimuth 134°46'; change polarization from H to V on freqs. 3730, 3830, 3930, 3990, 4070, 4150 MHz toward本网, Tenn.

2010-C1—P-74, Same (WGI94), 2.5 Miles West of Buchanan, Georgia. Lat. 33°49'54" N., Long. 85°28'16" W. C.P. to add freq. 3770H MHz toward Smyrna, Ga., on azimuth 339°58'; change polarization from V to H on freqs. 3710, 3790, 3870, 3950, 4030, 4110 MHz toward Smyrna, Ga.; add freq. 3850H, 3930H MHz toward Jersey, Ga., on azimuth 156°58'.

2011-C1—P-74, Same (WG775), 2.2 Miles NE of Chickasaw, Alabama. Lat. 33°27'26" N., Long. 86°35'18" W. C.P. to add freqs. 3750H, 3830H MHz toward Tuscaloosa, Ala., on azimuth 286°03'; freqs. 3810H, 3890H MHz toward Monticello, Ga., on azimuth 179°58'.

2011-C1—P-74, Same (KG68), 2.0 Miles West of Tuscaloosa, Georgia. Lat. 33°20'16" N., Long. 87°32'18" W. C.P. to add freqs. 3770H, 3850H MHz toward Tuscaloosa, Ga., on azimuth 339°58'.

2011-C1—P-74, Microwave Transmission Corp. (KIME9), 2.5 Miles South of San Luis Obispo, California. Lat. 35°21'00" N., Long. 86°45'31" W. C.P. to add freq. 4150V MHz toward Montclair, Ind., on azimuth 31°12'; freq. 4150V MHz toward Freedom, Ind., on azimuth 218°48'.

2011-C1—P-74, Same (KIR95, Same (KIR98), 2.0 Miles West of Montclair, Indiana. Lat. 39°13'05" N., Long. 85°56'38" W. C.P. to add freq. 4110V MHz toward Clarksburg, Ind., on azimuth 315°51'; freq. 4110V MHz toward Maro, Ind., on azimuth 215°36'.

2011-C1—P-74, Same (KIR64), 2.5 Miles West of Indianapolis, Indiana. Lat. 39°27'48" N., Long. 85°02'05" W. C.P. to add freq. 4110V MHz toward Schnellville, Ind., on azimuth 258°17'.

2011-C1—P-74, Same (KIR65), 3.0 Miles West of Freedom, Indiana. Lat. 39°13'05" N., Long. 85°56'38" W. C.P. to add freq. 4110V MHz toward Clarksburg, Ind., on azimuth 315°51'; freq. 4110V MHz toward Maro, Ind., on azimuth 215°36'.

2011-C1—P-74, Same (KIR74), 2.2 Miles NE of Gainsboro, Tennessee. Lat. 35°16'42" N., Long. 85°37'55" W. C.P. to add freq. 3770V MHz toward Brownsville, Ky., on azimuth 156°58'; freq. 3770V MHz toward Monticello, Ga., on azimuth 134°46'; freq. 3730V MHz toward Colborn, Ala., on azimuth 312°08'; change polarization from V to H on freqs. 3710, 3790, 3870, 3950, 4030, 4110 MHz toward Colborn, Ala.

2011-C1—P-74, Same (KIR83), 6.0 Miles NE of Buchanan, Georgia. Lat. 33°49'59" N., Long. 85°07'01" W. C.P. to add freq. 3770V MHz toward Haney, Ga., on azimuth 314°58'; freq. 3770V MHz toward Haney, Ga., on azimuth 311°21'; change polarization from H to V on freqs. 3730, 3810, 3890, 3970, 4050, 4130, 4210 MHz toward Haney, Ga.

2011-C1—P-74, United Video, Inc. (New), 4.5 Miles South of Martinsville, Indiana. Lat. 39°56'58" N., Long. 85°24'23" W. C.P. to add freq. 3770V MHz toward Vicksburg, Miss., on azimuth 156°58'; freq. 3770V MHz toward Vicksburg, Miss., on azimuth 134°46'; change polarization from V to H on freqs. 3710, 3790, 3870, 3950, 4030, 4110 MHz toward Vicksburg, Miss.

2011-C1—P-74, Same (WG724), 3.3 Miles East of Smyrna, Georgia. Lat. 33°34'47" N., Long. 85°27'25" W. C.P. to add freq. 3810H, 3890H MHz toward Tucker, Ga., on azimuth 162°05'; change polarization from V to H on freqs. 3750, 3830, 3910, 3990, 4070, 4150 MHz; change from H to V on freqs. 3730, 3810, 3890, 3970, 4050, 4130, 4210 MHz toward Smyrna, Ga.; add freq. 3850H, 3930H MHz toward Jersey, Ga., on azimuth 156°58'.
FEDERAL HOME LOAN BANK BOARD

FIRST KANSAS FINANCIAL CORPORATION

Notice of Receipt of Application for Approval of Acquisition


Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Kansas Financial Corporation, Mission, Kansas, a company, for approval of acquisition of control of the General Savings Association, Mission, Kansas, and Franklin Savings Association, Ottawa, Kansas, insured institutions under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and §584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the acquisition of the stock of said insured institutions, in exchange for shares of First Kansas Financial Corporation. Following said exchange General Savings Association and Franklin Savings Association, and other particulars same as reported in Public Notice №89, dated on or before January 7, 1974.

[Seal]
EUGENE M. HERBAN, Assistant Secretary, Federal Home Loan Bank Board.

[FED Register 1974, 7, 5, p. 25690 Filed 12-3-74]

FEDERAL MARITIME COMMISSION

EMPRESA LINEAS MARITIMAS ARGENTINAS SOCIEDAD ANONIMA AND MOORE-MCCORMACK LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 8101 et seq.). Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by December 26, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act (46 U.S.C. 8101 et seq.) in the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances
NOTICES

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission’s rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH P. PLEUMS,
Secretary.

FEDERAL POWER COMMISSION

NORTHERN NATURAL GAS PRODUCING CO. ET AL.
Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates


Take notice that each of the Applicants listed herein has filed an applica-

 tion or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission’s rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission’s rules.

This notice does not provide for consolida-

tion for hearing of the several matters covered herein.

Docket No. and date filed

Applicant

Northern Natural Gas Producing Co., McKinney Field, Clark County, Kans. (9)

Northern Natural Gas Co., Hugoton Field, Beaver County, Kans. (9)

Northern Natural Gas Co., Hugoton Field, Beaver County, Kans. (9)

Cities Service Gas Co., Hugoton Field, Haskell County, Kans. (9)

United Gas Pipe Line Co., Pictor Ridge Field, Forrest County, Miss. (9)

Northern Natural Gas Co., McKinney Field, Mounds County, Kans. (9)

El Paso Natural Gas Co., Teutola Dome Field, San Juan County, N. Mex. (9)

Ogles Field, Cliftonville Parish, La. (9)

Panhandle Eastern Pipe Line Co., acreage in Elko County, Okla. (9)

Vici Field, Dewey County, Okla. (9)

Panhandle Eastern Pipe Line Co., Longview Unit, Newton County, Okla. (9)

Columbia Gas Transmission Corp., Grand Ledge Block 43 (Deep Field), offshore Louisiana. (9)

Columbia Gas Transmission Corp., Grand Isle Block 45, offshore Louisiana. (9)

Columbia Gas Transmission Corp., Valentine Field, La. (9)

Northern Natural Gas Co., Menard Field, Hemsphill County, Tex. (9)

Panhandle Eastern Pipe Line Co., Pecos and Greasewood Northeast Fields, Beaver County, Okla. (9)

Panhandle Eastern Pipe Line Co., Eno River Block 31, offshore Louisiana. (9)

To Amend Certificates

Filing code: A—Initial service.

B—Abandonment.

C—Amendment to add acreage.

D—Amendment to delete acreage.

E—Partial successor.

See footnote at end of table.

FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973

said to constitute such violation or de-
NOTICES

Docket No. and date filed
CFT-2057A
A 11-13-72

Applicant
Phillips Petroleum Co., Bartlesville,
Colorado Interstate Gas Co., a divi-
sion of Colorado Interstate Corp.,
East Rock Springs Area, Sweet-
water County, Wyo.

Purchaser and location

Price per Mcf

Pres-

18.0 18.62

suspended and their use be deferred as
ordered below.

The Commission orders: (A) Under
the Natural Gas Act, particularly sec-
tions 4 and 15, the Regulations pertain-
ing thereto [18 CFR, Chapter I], and the
Commission's rules of practice and pro-
cedure, public hearings shall be held
concerning the lawfulness of the pro-
posed changes.

(B) Pending hearings and decisions
thereon, the rate supplements herein are
suspended and their use deferred until
date shown in the "Date Suspended Un-
til" column. Each of these supplements
shall become effective, subject to refund,
as of the expiration of the suspension
period without any further action by the
Respondent or by the Commission. Each
Respondent shall comply with the re-
funding procedure required by the Nat-
ural Gas Act and § 154.102 of the Regu-
lations thereunder.

(C) Unless otherwise ordered by the
Commission, neither the suspended sup-
plements, nor the rate schedules sought
to be altered, shall be changed until dis-
position of these proceedings or expec-
tation of the suspension period, whichever
is earlier.

By the Commission.

KENNETH F. PLUMLE,
Secretary.

The definitive amount of savings in
the consumption of petroleum and nat-
gas resources by electric utilities is
quantitatively stated from available data. The

The proposed increased rates involved
here exceed the ceilings prescribed in
Opinion No. 658 or Order No. 435, as
applicable, and therefore they are sus-
pended for five months.

[FR Doc.73-25754 Filed 12-5-73;8:45 am]

[FR Doc.73-25753 Filed 12-5-73;8:45 am]

[FR Doc.73-25758 Filed 12-5-73;8:45 am]

NATION-WIDE FUEL EMERGENCY

Conservation of Petroleum and Natural Gas
Fuel Resources by Electric Utilities


Current conditions involving petroleum
and natural gas availability or the means
of distribution thereof to all users de-
mand the immediate implementation of
all possible measures for fuel conserva-
tion. The regulatory authority and policy
of the suspension period, whichever is earlier.

By the Commission.

[FR Doc.73-25754 Filed 12-5-73;8:45 am]

[FR Doc.73-25758 Filed 12-5-73;8:45 am]

[FR Doc.73-25753 Filed 12-5-73;8:45 am]

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all possible measures for fuel conserva-
tion. The regulatory authority and policy
of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMLE,
Secretary.
NOTICES

Commission's staff has preliminarily estimated that electric utility energy output could be reduced by two billion kwh per day in five days through immediate energy conservation measures. The Commission desires to secure additional relevant information. The Commission is, therefore, directing all electric utilities to submit the completed Emergency Report Form (Appendix I) to the Commission within 15 days from the date hereof, detailing: (1) The utility's estimate of electric utility energy generation, including the System of Account, and savings, in petroleum and natural gas, by region or by state public service commissions. (2) A report on the status of its respective estimate of fuel availability through various stages of short-fall up to the most adverse conditions currently foreseeable by the utility. The General Instruction to the Emergency Report Form provides further guidance in this respect. The Federal Power Commission is particula-
guidelines for state consideration and use in petroleum and natural gas conservation by electric utilities, based upon the Emergency Report Form data as prescribed herein, other data and this Commission's Secretarial assistance and expertise. The Commission requests each state public service commission or governor in the states which have no public service commissions, to designate a person or persons who will be available to work with this Commission's staff on a continuous basis to coordinate the implementation of all possible Federal and state regulatory procedures so as to achieve targeted reductions in the use of electric power and energy; and to advise this Commission's Secretary within 15 days hereafter, as to the identity of such persons. This Commission staff work will be coordinated by the Commission's Chief, Bureau of Power, T. A. Phillips.

By Order No. 445, issued January 11, 1973, this Commission issued its Statement of Policy with respect to the purpose of For Minimizing the Consequences of Bulk Power Supply Interruptions or Shortages and Public Disclosure, 47 FPC 13 (37 FR 7780). The general contingency planning of electric utilities throughout the Nation, pursuant to that order, have been summarized by this Commission's staff and made available to state regulatory bodies. Additional contingency planning and procedures of electric utilities, with respect to possible interruptions in fuel supply were undertaken in January 1973, through Commission coordination with various electric reliability councils. These procedures have been summarized by the Commission's staff and made available to the various state regulatory commissions in a statement of concurrence, by the Commission's Chairman dated September 28, 1973. The Emergency Report Form prescribed herein will supplement these procedures, with specific reference to the utilities now proposed to effect immediate reductions in electric utility usage. By Order No. 495, issued November 13, 1973, 38 FR 31963, the Commission promulgated its Statement of Policy on Measures to Implement Conservation of Natural Resources, immediately upon issuance thereof.

The Commission further finds:


2. There is good cause under circumstances set forth in the recitals to make the provisions of this order effective immediately and without the prior notice and public procedure provisions of section 553 of Subchapter II of Title 5 of the United States Code, which prior notice and public procedure provisions are impracticable and contrary to the public interest in this instance.

The Commission orders:

(A) There is hereby prescribed an Emergency Report Form, as designated in Appendix I hereto.

(B) Each Class A and B electric utility, as generally defined in the Commission's Uniform System of Accounts, 18 CFR Part 100, Class Instructions I.A., and as specifically identified on Appendix A, shall complete and file the Emergency Report Form with the Commission within 15 days of the date hereof.

(C) Each Class A and B electric utility, as referred to above, shall advise the Commission within 15 days hereof of the specific steps which it has undertaken to effect immediate reductions in the consumption of electric power and energy internally to the utility, other utilities or ultimate consumers served by it, and immediate reductions in the consumption of petroleum and natural gas used by it for electric generation purposes.

(D) The Commission, in its continuing review of this general subject matter, will take such future actions as may be appropriate.

(E) This order shall take effect immediately upon issuance thereon.

(F) The Secretary shall cause prompt publication of this order in the Federal Register.

[SEAL] KENNETH F. PLUMB, Secretary.

APPENDIX A—LIST OF ELECTRIC UTILITY SYSTEMS HAVING ANNUAL ELECTRIC OPERATING REVENUES IN EXCESS OF $1,000,000

INVESTOR OWNED ELECTRIC UTILITIES

Alabama

Alabama Power Company.
Southern Electric Generating Company.

Alaska

Alaska Electric Light & Power Company.

Arizona

Arizona Public Service Company.
Citizens Utilities Company.

Arkansas

Arkansas-Missouri Power Company.
Arkansas Power & Light Company.
Arkahoma Corporation, The.

California

Pacific Gas and Electric Company.
San Diego Gas & Electric Company.
Southern California Edison Company.

Colorado

Home Light and Power Company.
Public Service Company of Colorado.
Western Colorado Power Company, The.

CONNECTICUT

Connecticut Yankee Atomic Power Company.
Hartford Electric Light Company, The.

District of Columbia

District of Columbia

Florida Power Company.
Florida Power & Light Company.
Florida Public Utilities Company.
Gulf Power Company.

Tampa Electric Company.

Georgia

Georgia Power Company.
Savannah Electric and Power Company.

Hawaii

Hawaiian Electric Company, Inc.

Illinois

Illinois Power Company.
Mt. Carmel Public Utility Co.

Iowa

Iowa Central Electric Company.

Kansas

Central Kansas Power Company, Inc.

Kentucky

Kentucky Power Company.
Kentucky Utilities Company.
Louisville Gas and Electric Company.

Louisiana

Louisiana Power & Light Company.

Maine

Bangor Hydro-Electric Company.

New York

New York Public Service Company, Inc.

North Carolina

North Carolina Power Company.

Ohio

Ohio Edison Company.

Oklahoma

Oklahoma Power Company.

Pennsylvania

Public Service Electric and Gas Company.

South Carolina

South Carolina Electric & Gas Company.

South Dakota

South Dakota Public Service Company.

Tennessee

Tennessee Electric Power Company.

Texas

Texas Electric Company.

Utah

Utah Power Company.

Vermont

Vermont Public Service Company.

Virginia

Virginia Electric Power Company.

Washington

Washington Public Service Company.

West Virginia

West Virginia Electric Power Company.

Wisconsin

Wisconsin Electric Power Company.

Wyoming

Wyoming Public Service Company.

FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973
Baltimore Gas and Electric Company.

Potomac Edison Company, The.

Conowingo Power Company.


Massachusetts

Boston Edison Company.

Boston Gas Company.

Brookton Edison Company.

Cambridge Electric Light Company.

Cana Electric Company.

Fall River Electric Light Company.

Holyoke Power & Electric Company.

Holyoke Water Power Company.

Montauk Electric Company.

Nantucket Gas and Electric Company.

New Bedford Gas and Edison Light Company.

New England Power Company.

Western Massachusetts Electric Company.

Yankee Atomic Electric Company.

Michigan

Alpena Power Company.

Consumers Power Company.

Detroit Edison Company, The.

Edison Sault Electric Company.

Michigan Power Company.

Upper Peninsula Generating Company.

Upper Peninsula Power Company.

Minnesota

Mississippi Power & Light Company.

Northern States Power Company.

Mississippi

Mississippi Power Company.

Mississippi Power & Light Company.

Missouri

Empire District Electric Company, The.

Kansas City Power & Light Company.

Missouri Edison Company.

Missouri Power & Light Company.

Missouri Public Service Company.

Missouri Utilities Company.


Union Electric Company.

Montana


Nevada

Nevada Power Company.

Sierra Pacific Power Company.

New Hampshire

Concord Electric Company.

Connecticut Valley Electric Company, Inc.

Exeter & Hampton Electric Company.

Granite State Electric Company.

Public Service Company of New Hampshire.

New Jersey

Atlantic City Electric Company.

Jersey Central Power & Light Company.

Public Service Electric and Gas Company.

Rockland Electric Company.

New Mexico

New Mexico Electric Service Company.

Public Service Company of New Mexico.

New York

Susquehanna Gas & Electric Corporation.

Central Hudson Gas & Electric Corporation.

Consolidated Edison Company of New York, Inc.

Long Island Lighting Company.

New York State Electric & Gas Corporation.

Orange and Rockland Utilities, Inc.

Rockefeller Gas and Electric Corporation.

North Carolina

Carolina Power & Light Company.

Duke Power Company.

National Power and Light Company.

Yadkin, Inc.

North Dakota

Montana-Dakota Utilities Company.

Otter Tail Power Company.

Ohio


Cleveland Electric Illuminating Company, The.

Columbus and Southern Ohio Electric Company.

Dayton Power and Light Company, The.

Ohio Edison Company.

Ohio Power Company.

Ohio Valley Electric Corporation.

Toledo Edison Company, The.

Oklahoma

Oklahoma Gas and Electric Company.

Public Service Company of Oklahoma.

Oregon

California-Pacific Utilities Company.

Pacific Power & Light Company.

Portland General Electric Company.

Pennsylvania

Citizens' Electric Co.

Duquesne Light Company.

Hersey Electric Company.

Metropolitan Edison Company.

Pennsylvania Electric Company.

Pennsylvania Power & Light Company.

Philadelphia Electric Company.

Philadelphia Electric Power Company.


Safe Harbor Water Power Corporation.

UGI Corporation.

West Penn Power Company.

Rhode Island

Blackstone Valley Electric Company.


Newport Electric Corporation.

South Carolina

Lockhart Power Company.

South Carolina Electric & Gas Company.

South Dakota

Black Hills Power and Light Company.

Northwestern Public Service Company.

Tennessee

Kingsport Power Company.

Tupelo, Inc.

Texas

Central Power and Light Company.

Community Public Service Company.

Dallas Power & Light Company.

El Paso Electric Company.

Houston Lighting & Power Company.

Southwestern Electric Power Company.

Southwestern Electric Service Company.

Southwestern Public Service Company.

Texas Electric Service Company.

Texas Power & Light Company.

West Texas Utilities Company.

Utah

Utah Power and Light Company.

Vermont

Central Vermont Public Service Corporation.

Green Mountain Power Corporation.

Vermont Electric Power Company, Inc.

Vermont Yankee Nuclear Power Corporation.

Virginia

Delmarva Power & Light Company of Virginia.

Old Dominion Power Company.

Potomac Edison Company of Virginia.

Washington

Puget Sound Power & Light Company.


West Virginia

Appalachian Power Company.

Monongahela Power Company.

Potomac Edison Company of West Virginia.

West Virginia

Wheeling Electric Company.

Wisconsin

Consolidated Water Power Company.

Lake Superior District Power Company.

Madison Gas and Electric Company.

Northern States Power Company.

Northwestern Wisconsin Electric Company.

Superior Water, Light and Power Company.

Wisconsin Electric Power Company.

Wisconsin Michigan Power Company.

Wisconsin Power and Light Company.

Wisconsin Public Service Corporation.

Wisconsin River Power Company.

Wyoming

Cheyenne Light, Fuel and Power Company.

LOCAL OWNED ELECTRIC UTILITIES: INCLUDING FEDERAL PROJECTS

Alaska

Anchorage Municipal Light and Power, City of.

Fairbanks, Municipal Utilities System, City of.

Reinisch Electric Utilities, City of.

Alaska Power Administration—Excursion Project.

Arizona

Arizona Power Authority.

Mesa, City of.

Final County, Electrical District Number Two.

Salt River Project.

Arkansas

Conway Corporation.

Jonesboro, City Water & Light Plant of.

Osceola Municipal Light and Power Plant.

Pangburn, Light and Power Commission.

West Memphis Utility Commission.

Beaver Lake.

Bull Shoals Lake.

Dardanelle Lock & Dam.

Greers Ferry Lake.

Table Rock Lake.

California

Alameda, Bureau of Electricity, Department of Public Utilities, City of.

Anahiem, City of.

Anaqua, Municipal Light & Power Department, City of.

See footnotes at end of document.
<table>
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<th>State</th>
<th>Electric Companies</th>
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<td>Nevada Power Company, Sierra Pacific Power Company</td>
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### Notices

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See footnotes at end of document.
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<td>New Mexico</td>
<td>Nebraska Electric G &amp; T Cooperative, Inc., Plains Electric G &amp; T Cooperative, Inc.</td>
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<th>1974</th>
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<td>1</td>
<td>Projected net system generation by months prior to conservation efforts proposed by this order. (MWH)</td>
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<tr>
<td>2</td>
<td>Projected net energy generation from combustion turbines and internal combustion engines by months prior to conservation efforts proposed by this order. (MWH)</td>
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<td>3</td>
<td>Projected monthly reductions that may result from the following conservation procedures</td>
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<td>3.1</td>
<td>Curtailment of non-essential a heating and lighting load at utility-owned power plants and office facilities. b Total energy saved. (MWH)</td>
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<td>3.2</td>
<td>Curtailment of non-essential generating station auxiliaries at power plants. a Total energy saved. (MWH)</td>
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<td>3.3</td>
<td>Appeals to large commercial and industrial customers to curtail non-essential use. b Amount of energy in &quot;a&quot; which is normally supplied by combustion turbines and internal combustion engines. (MWH)</td>
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</table>

**GENERAL INSTRUCTION** - Where the reporting electric utility projects short-falls of fuel availability for its generating resources which will necessitate electric power and energy reductions of greater than 10 percent (e.g., 15, 20 or 25 percent), the Emergency Report Form shall be completed so as to reflect (a) the various stages of projected fuel availability up to the most adverse foreseeable projections at the time of completing the form, (b) the variations (if any) in the order of the steps which the reporting utility proposes to implement in carrying out its electric contingency planning. The reporting utility shall relate the reported actions to any contingency planning procedures which the reporting utility has submitted to the Federal Power Commission or state public service commissions pursuant to Federal Power Commission Order No. 445, this Commission's January 24, 1973, emergency letter questionnaire or otherwise, individually or through a reliability council. The Commission requests the use of manifold copies of pages of the Emergency Report Form by each reporting utility to supply, for its system, the electric conservation, contingency planning procedures and load reduction steps under varying assumptions, as may be projected by the reporting utility. The Emergency Report Form shall be filed in duplicate.
<table>
<thead>
<tr>
<th>Line No.</th>
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<th>1973 DEC.</th>
<th>JAN.</th>
<th>FEB.</th>
<th>MAR.</th>
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<th>DEC.</th>
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<td>Interuption of contractually interruptible load.</td>
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<td>Reduction of system voltage.</td>
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<td>Reduction in use of electricity by governmental entities due to reductions or changes of usage in governmental facilities, buildings, street illumination, or others.</td>
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<td>Reduction of use by industrial customers whose output is not essential to the public health and safety.</td>
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<td>Elimination of outdoor commercial advertising display.</td>
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<td>Other (identify)</td>
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**NOTE:** It is recognized the savings envisioned by use of Item 7 through 11 would reflect prior governmental action in many instances authorizing or mandating the changed conditions producing the savings.
Appendix 1

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<th>Line No.</th>
<th>1973</th>
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<tr>
<td></td>
<td>DEC</td>
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<td>IV. State the amount of oil in barrels and natural gas in Mcf which may be saved through the following measures</td>
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<tr>
<td>1. Optimizing use of coal-fired generation within the utility's system</td>
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<tr>
<td>2. Engaging in inter-company and inter-area transfers in order to maximize the use of coal-fired capacity</td>
<td>a.</td>
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<tr>
<td>3. Modifying operating reserve policy to permit combustion turbines and internal combustion engines to be considered as reserve when shut down</td>
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<td>4. Other (identify)</td>
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</table>

a. Total bbls. of residual oil
b. Total bbls. of distillate oil
c. Total volumes of natural gas in Mcf at 14.73 psia

*Federal project.
NOTICES

ANADARKO PRODUCTION CO.
Notice of Application


Take notice that on November 10, 1973, Anadarko Production Company (Applicant) filed in Docket No. CI74-309 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company (Panhandle) from Morton County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell an estimated 150,000 Mcf of gas per month from the first day of the month following initial deliveries of gas for one year to Panhandle from the subject acreage at 30.0 cents per Mcf at 14.65 psia within the contemplation of § 2.70 of the Commission's General Rules and Practice. All protests, petitions, or protests should be filed on or before December 27, 1973. Protests will be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein. If the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.

[PR Doc. 73-25880 Filed 12-5-73; 8:45 am]

CAROLINA POWER & LIGHT CO.
Notice of Application


Take notice that on November 12, 1973, Carolina Power & Light Company (Applicant) filed in Docket No. E-8486 a new electric service agreement for a second point of delivery to the City of Fayetteville, North Carolina.

The new service agreement provides for the delivery at the second delivery point of 70,000 KW at 230,000 volts under the terms of Carolina's Rate Schedule RS-73. The lead served at the second point of delivery will be transferred from an existing point of delivery.

Carolina states that the proposed service to Fayetteville is expected to commence on or about November 16, 1973. Carolina requests the applicable rate schedule be allowed to become effective 30 days after filing. A copy of the filing was sent to the Public Works Commission of the City of Fayetteville.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

KENNETH F. PLUMB, Secretary.

[PR Doc.73-25868 Filed 12-5-73;8:45 am]

DUKE POWER CO.
Notice of Filing of Service Agreement


Take notice that on November 12, 1973, Duke Power Company (Company) tendered for filing a service agreement on or about December 27, 1973, Duke's Electric Power Contract with the Town of Dallas (Dallas) which is on file with the Commission as Duke Power Company Rate Schedule FPC No. 254. Duke submits also a document entitled Attachment No. 1, Delivery Point No. 1, dated May 9, 1973, designated Document No. 1 which, according to Duke, provides for an increase in contract demand from 5000 KW to 7000 KW at the request of the customer, and for which the requisite agreement was obtained as shown by the signatures of both parties on the Exhibit. Submitted also was a document entitled Attachment No. 1 which, according to Duke, is an estimate of sales and revenues for 12 month periods both preceding and succeeding the proposed effective date of December 27, 1973. Duke states that substation capacity will be increased to provide service under this agreement, and that service will be billed on Schedule 10. Duke further states that a copy of the proposed filing has been sent to Dallas.

Any person desiring to be heard or to protest said filing should file a petition for leave to intervene or a protest in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1973. Protestors will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

[PR Doc.73-25870 Filed 12-5-73;8:45 am]

[PR Doc.73-25870 Filed 12-5-73;8:45 am]
to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426 in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before December 11, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMES
Secretary.

[Docket No. E-8497]

DUKE POWER CO.

Notice of Supplement to Agreement


Duke Power states that the new contract provides for the following:

- Delivery Point No. 1 - Increase in demand from 36,000 KW to 55,000 KW.
- Delivery Point No. 2 - No change.
- Delivery Point No. 3 - A new point of delivery with a demand of 20,000 KW.

Duke Power states the new delivery point (Delivery Point No. 3) was made at the request of the customers. Furthermore, Duke Power states that Duke Power will provide two delivery points adjacent to each other capable of delivering the full contract demand at a cost of $11,025. Finally, Duke Power states that the requisite agreement has been attained.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before December 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMES
Secretary.

[Docket No. CP74-126]

EL PASO NATURAL GAS CO.

Notice of Application


Take notice that on November 12, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed an application in Docket No. CP74-126 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the delivery of gas on an exchange basis by applicant to Southern Division System to Natural Gas Pipeline Company of America (Natural) in Dewey County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under a Gas Purchase Agreement between Applicant and Exploration Associates (Exploration), dated August 24, 1973, Applicant has acquired the right to purchase certain volumes of gas-well gas produced by Exploration from various leaseholds of Applicant's Wharton Field in Dewey County. The application states that Exploration has completed two wells in the West Putnam Field of the Hugoton-Anadarko Basin Area in Dewey County from which gas will be produced and delivered to Applicant. Applicant states that tests indicate that leasehold acreage committed by Exploration to Applicant under said agreement possesses recoverable gas reserves and accessible to applicant with an estimated average daily initial deliverability of 10,600 Mcf per day. Applicant states that an additional 5,440 acres of leasehold is available for future development.

Applicant further states in order to make these supplies available to its Southern Division System's customers Applicant has entered into a Gas Exchange Agreement with Natural dated September 24, 1973. Under the terms of this agreement Applicant will deliver up to 40,000 Mcf of natural gas per day from Applicant's Wharton field gas supply to Natural at a proposed point of interconnection of facilities on Natural's 24-inch O.D. field transmission line in Dewey County. Concurrently therewith, Natural will deliver up to 6,000 Mcf of equivalent gas to Applicant at a point on Applicant's 36-inch O.D. main line in Reeves County, Texas. In the event that such facilities are inadequate to effectuate the concurrent deliveries of balancing volumes of gas, Applicant proposes alternative exchange points at the Lockridge Exchange Point in Ward County, Texas, and at the Worsham Exchange Point in Reeves County to be operated and maintained by Natural.

Applicant states that in order to effect such an exchange Applicant will be required to construct a meter station in Dewey County and a tap on its 36-inch O.D., main line in Reeves County, Texas. In addition, Applicant proposes to construct a total of 1.35 miles of 6%-inch gathering pipeline with appurtenances at an aggregate estimated cost of all facilities to be constructed as part of the project, including overhead, contingency and required filing fees, of $83,839.

Applicant states there will be no transportation or exchange charges assessed by either party for such deliveries of gas. Applicant proposes said exchange be
accomplished under Applicant's special Rate Schedule Z-3, FPC Gas Tariff, Third Revised Volume No. 2. Any person desiring to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc.73-25804 Filed 12-5-73;8:45 am] [Docket No. CJ74-310]

FOREST OIL CORP.
Notice of Application


Take notice that on November 14, 1973, Forest Oil Corporation (Applicant), 1600 Security Life Building, Denver, Colorado 80202, filed in Docket No. CJ74-310 an application pursuant to section 3(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to Northern Natural Gas Company (Northern) from acreage in Ward County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Northern from Ward County at the rate of 45.0 cents per Mcf at 14.65 psia subject to upward and downward Btu adjustment for two years within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant estimates monthly deliveries of gas to be 225,000 Mcf and the initial price of such gas to be 43.245 cents per Mcf because of downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc.73-25802 Filed 12-5-73;8:45 am]

[DOCKET NO. E-8474]

IOWA-IllINOIS GAS AND ELECTRIC CO.
Notice of Filing of Facilities Agreement


Take notice that Iowa-Illinois Gas and Electric Company (Company), on November 8, 1973, filed in Docket No. E-8474 a contract for the sale of facilities for the construction, acquisition, and furnishing of a natural gas transmission system facilities and operations; that Facilities Schedule Nos. 2 and 3 contain the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc.73-25806 Filed 12-5-73;8:45 am] [DOCKET NO. E-8494]

MINNESOTA POWER & LIGHT CO.
Notice of Proposed Changes in Rates and Charges


Take notice that Minnesota Power & Light Company (MP&L), on November 16, 1973, filed for proposed changes in its rates and charges to its 18 municipal, two rural electric cooperative, and one privately-owned electric system sales-for-resale customers, as embodied in MP&L's proposed Rate Schedule No. 90, applicable to its full requirements municipal and privately-owned electric system sales-for-resale customers, Rate Schedule No. 90 with Rider, applicable to its partial requirements municipal sales-for-resale customers, and Rate Schedule No. 91, applicable to its rural electric cooperative customers. The proposed changes would increase revenues from jurisdictional sales and service by $3,697,883, based on the twelve-month period ending January 15, 1974. In addition, MP&L has filed a contract for wholesale service to Superior Water Light & Power Company (SWL&P), dated November 1, 1973, and designed to supersede the presently existing Rate Schedule FPC No. 7 for service to SWL&P. January 15, 1974 is the requested effective date for the increased rates.

During 1973, MP&L states that it earned a return of 5.33 percent from service to its full requirements municipal sales-for-resale customers, 2.13 percent from its partial requirements municipal sales-for-resale customers, 3.47 percent from service to its rural electric cooperative customers, and 6.59 percent from SWL&P. The proposed increase, MP&L states, would result in average increases of 50.2 percent to cooperative customers, 80.5 percent to partial
requirements customers, 40.1 percent to full requirements municipal customers, and 63.6 percent to SWL&P. MP&L states the proposed rates are designed to enable it to determine the two cubic feet per second flow through the pond and out at the mouth of the Creek. The pond has been stocked with 180,000 to 200,000 fish from newly stocked to its service to sales-for-resale customers.

The proposed rates, according to MP&L, include a provision for increased in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. **KENNETH F. PLUMS, Secretary.**

[FR Doc. 73-23565 Filed 12-5-73; 8:45 am]

[Docket No. E-7771]

PACIFIC GAS AND ELECTRIC CO.

Notice of Further Extension of Time and Postponement of Hearing

**NOVEMBER 30, 1973.**


Upon consideration, notice is hereby given that the procedural dates in the above-designated matters are further modified as follows:

Service of rebuttal evidence by Pacific Gas and Electric Company—November 18, 1973. Hearing—January 22, 1974 (10 a.m. e.s.t.).

**MARY B. KIDS, Acting Secretary.**

[FR Doc. 73-23566 Filed 12-5-73; 8:45 am]
negotiations among all customers, the FPC Staff and Panhandle.

Any person desiring to be heard or to make any protest with reference to said Docket No. CI74-307

PHILIPS PETROLEUM CO.
Notice of Application


Take notice that on November 14, 1973, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI74-307 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas in interstate commerce with Colorado Interstate Gas Company, a division of Colubrine Interstate Corporation (CIG), and Natural Gas Pipeline company of America (Natural) in Texas, as all more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to engage in an exchange of gas with Natural and CIG, whereby it will receive unprocessed natural gas at CIG's Sanborn Compressor Station in Hutchinson County, Texas, from CIG and will re-deliver a thermally equivalent volume of residue gas to Natural for CIG's account at an existing connection in Hansford County, Texas, where Natural's pipeline intersects Applicant's gathering facilities. Applicant asserts that since it has no facilities for the production and transmission of natural gas, only its gathering facilities will be used for the subject exchange. Applicant contends that this exchange will provide certain flexibility and greater operating efficiencies for all the parties involved. There is proposed no charge for this exchange. Applicant estimates 600,000 Mcf of gas will be exchanged monthly.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required hereinafter, if the Commission on its review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, Secretary.

[FR Doc.73-25874 Filed 12-5-73;8:45 am]

POTOMAC EDISON CO.
Notice of Compliance Filing


Take notice that on October 15, 1973, Potomac Edison Company (PEC) filed revised tariff and rate schedules to conform with an offer of settlement filed by PEC on February 1, 1973, as approved by the Commission by order of September 14, 1973.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments should be filed on or before December 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, Secretary.

[FR Doc.73-25876 Filed 12-5-73;8:45 am]

SHELL OIL CO.
Notice of Application


Take notice that on November 12, 1973, Shell Oil Company (Applicant), One Shell Plaza, Houston, Texas 77001, filed in Docket No. RP73-89 a gas pipeline application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) from Eugene Island Block 330 Field, offshore Louisianna, as all more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Natural from the Eugene Island Block 330 Field at an initial rate of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment and reduced 0.22 percent per Mcf for mile per mile for transporting liquefiable hydrocarbons. Applicant estimates monthly volumes of gas at 548,000 Mcf.

Applicant indicates that sales of gas are currently being made from the subject acreage under the terms of a certai-
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NOTICES

Cale issued in Docket No. CP72-754, which expires October 1, 1974. Applicant expects the line, through which the gas is now being temporarily delivered, will be completely filled with oil and will be unable to accommodate any gas by about April 1, 1974. Therefore, Applicant requests the proposed authorization be granted as expeditiously as possible.

Applicant also indicates that this proposed sale is not to Natural and Columbia Gulf Transmission Company's proposal in Docket No. CP74-101. In that docket Natural and Columbia seek authorization to build a pipeline from Eugene, Oregon, to an interconnection with Columbia's facilities in Block 314 for further transportation onshore Louisiana. Applicant requests that the instant application be consolidated with the application in Docket No. CP74-101.

Applicant asserts that the cost findings determined in Commission Opinion Nos. 639 and 639-A, Belco Petroleum Corporation, Agent, et al., Docket No. CP73-138, and the Commission's staff nationwide cost estimate in Appendix B of the Commission's notice of proposed rulemaking in Docket No. E-389-B issued on April 11, 1973 (38 FR 10014), April 23, 1973, support the present proposal. Applicant also asserts that the cost of alternative supplies of gas to Natural justify the present proposal as evidenced by prices for sales of gas in the onshore Louisiana intrastate market at 60 cents per Mcf. Applicant contends that the estimated cost of supplemental gas supplies to Natural is from 82 cents to $1.32 per Mcf. Applicant further believes that the commodity value of gas in Natural's market area is from 5 to 23 cents above the proposed price herein.

Any person desiring to be heard or to file a protest with reference to said application should on or before December 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene in accordance with the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMM,
Secretary.

[FR Doc.73-25849 Filed 12-5-73;8:45 am]

NOTICES

Docket No. CP74-136
SOUTHWEST GAS CORP.
Notice of Application


Take notice that on November 14, 1973, Southwest Gas Corporation (Applicant), P.O. Box 1460, Alamosa, Colorado 81101, filed in Docket No. CP74-136 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the Commission's Regulations thereunder for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1974, and operation of certain natural gas transportation facilities, all as more fully described in the application, which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment Applicant's ability to make miscellaneous rearrangements not resulting in any change in service to its existing customers. Applicant states further that such authorization is sought to satisfy Department of Transportation requirements by upgrading 44 tap and regulator stations, upgrading pipeline at road crossings, installation of a scrubber on the pipeline to remove liquids from gas stream, modification of the preceding addition fuel gas scrubbers to remove liquids and installation of cathodic protection stations at various locations on Applicant's transmission system.

Applicant states the total cost of the proposed facilities is not to exceed $800,000, which will be financed with internally generated funds or short-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1973, file with the Federal Power Commission an application to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and Regulation § 157.10.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application. If no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity, if a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedures herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMM,
Secretary.

[FR Doc.73-25849 Filed 12-5-73;8:45 am]
to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.
[FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973]

NOTICES

Take notice that on November 9, 1973, Tenneco Oil Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. C74–301 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations under the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.
determined in accord with section 3 of Article XXIII

The petition states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to participate in the proceeding should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMES
Secretary.

[PR Doc.73-25850 Filed 12-5-73;8:45 am]
[Docket No. RP74-39-3]

TEXAS EASTERN TRANSMISSION CORP.
Notice of Petition for Emergency Relief


Public notice is hereby given that on November 21, 1973, Carnegie Natural Gas Company (Carnegie), filed a petition for emergency relief pursuant to section 1.7(b) of the Commission's rules of practice and procedure, requesting that its gas supply not be curtailed below last year's level of 45,240 Mcf per day. Carnegie expects that this year's level of curtailment may be three times as great as last year's.

Carnegie purchases gas under a firm contract from Texas Eastern Transmission Corporation (TETCO) for distribution to its customers in east from the proposed point of interconnection. Applicant states that the estimated capacity charge from $0.30 per kilowatt to the supplying party of equivalent energy in lieu of the payment of the capacity purchased from other systems, eliminates the option of returning the unused energy to the generating plant, and provides for reservations of power for periods of one or more calendar years, increases the capacity charge from $0.30 per kilowatt per week to the greater of $0.40 per kilowatt per week or the cost per kilowatt to the supplying party of capacity purchased from other systems, and eliminates the option of returning equivalent energy in lieu of the payment of the energy charge, all to Service Schedule C-Short Term Power.

(d) Eliminates the option of returning equivalent energy in lieu of the payment of the compensation specified in Service Schedule C-General Purpose Energy.

(e) Adds a new class of power referred to as Limited Term Power which is described as follows:

Limited Term Power—Power and associated energy from temporarily surplus generating capacity in either party's system that may from time to time be sold to the other party for the purpose of providing increased flexibility in the planning and installation of generating capacity additions.
Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 623 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission’s rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 17, 1973. Protest shall be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding, or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s rules.

Kenneth F. Plum, Secretary.
[F.R. Doc. 73-35662 Filed 12-6-73; 8:45 am]

NOTICES

ZENITH NATURAL GAS CO.
Notice of Petition To Amend
Take notice that on November 23, 1973, Zenith Natural Gas Company (Petitioner), 624 South Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. CP75-316 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to sell natural gas in interstate commerce to the City of Hardtner, Kansas, in lieu of to Oklahoma Natural Gas Company (Oklahoma) for resale and distribution in the City of Hardtner and for resale to farm-tap customers along Petitioner’s main line in Kansas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the City of Hardtner will acquire from Oklahoma the distribution system in the City and the facilities used to serve the farm-tap customers and will assume the obligation to distribute gas in the City and to the farm-tap customers. Petitioner proposes to sell gas to the City of Hardtner under proposed Rate Schedule X-3, which Petitioner states, is substantially the same except as to terms as Rate Schedule X-2 under which gas is sold to Oklahoma. Any person desiring to be heard may file a protest with reference to said petition to amend should on or before December 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission’s rules of practice and procedure (18 CFR 1.8 and 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission’s rules.

Kenneth F. Plum, Secretary.

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It appears reasonable and consistent with the public interest in this proceeding to provide for a shorter-than-normal period for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petitions should file on or before December 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of its rules of practice and procedure (18 CFR 1.8 or 1.10). The notice and petitions for intervention, previously filed in Docket No. RP71-119 will not operate to make those parties intervenors or protestants with respect to the instant petitions. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding is required to file a petition to intervene in accordance with its rules of practice and procedure.

KENNETH F. PLUMB, Secretary.

TENNESSEE EASTERN TRANSMISSION CORP.
Notice of Petition for Emergency Relief

Public notice is hereby given that on November 9, 1973, the City of Cairo, Illinois (Cairo) filed pursuant to section 1.7 (b) of the Commission's rules of practice and procedure, a petition for emergency relief requesting that its sole supplier of natural gas, Tennessee Eastern Transmission Corporation, be required to deliver gas in excess of its contractual quantity at the effective SGS Rate.

Cairo had for several years relied upon a provision in Tennessee Eastern's tariff allowing SGS customers to take overrun gas without paying a penalty charge and to exceed 5,000 Mcf per day without losing their SGS status. Cairo has historically taken gas in excess of 5,000 Mcf during the winter months. The provision allowing the overrun was eliminated from Tennessee Eastern's tariff on November 1, 1973, pursuant to settlement negotiations in Tennessee Eastern's rate proceeding, Docket No. RP72-98.

Cairo had executed a service agreement dated September 14, 1973, with Tennessee Eastern to switch to the two-part G6 Rate Schedule which allows for peak days in excess of 5,000 Mcf. The Commission rejected this agreement on October 31, 1973. Cairo petitioned for rehearing on November 9, 1973. The City states that its only alternatives, should the petition for rehearing be denied, would be to curtail homeowners on peak days or pay a penalty charge of $10 per Mcf, a rate which, it states, would bankrupt its gas system.

Cairo requests that the Commission accept the September 14, 1973, service agreement, but if such agreement is not accepted, will file with the Commission a request for emergency relief by ordering Tennessee Eastern to deliver to Cairo the volumes of gas above daily contract entitlement necessary on any given day for Cairo to serve its residential customers, and to bill Cairo for such volumes at the effective SGS Rate, with the understanding that such gas is not an unauthorized overrun gas.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should file on or before December 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding is required to file a petition to intervene in accordance with its rules of practice and procedure.

KENNETH F. PLUMB, Secretary.

UNITED GAS PIPE LINE CO. ET AL.
Order Granting Temporary Extraordinary Relief, Setting Matters for Hearing, Granting Intervention and Prescribing Procedures

In the matter of United Gas Pipeline Co. (Vicksburg Chemical Co., docket No. RP73-37-2, United Gas Pipeline Co. (City of Opelousas, Louisiana), docket No. RP73-37-3; United Gas Pipeline Co. (United Gas, Inc., City of Franklin, Louisiana), docket No. RP73-37-4; United Gas Pipeline Co. (United Gas, Inc., City of Rayne, Louisiana), docket No. RP73-37-5; and United Gas Pipeline Co. (Colonial Pipe Line Co.), docket No. RP73-37-6.

On November 3, 1973, we issued in Docket Nos. RP71-39, RP71-120 an order accepting and effectuating on November 15, 1973, tariff sheets filed by United Gas Pipe Line Company (United). These sheets were intended to implement United's five-priority curtailment program in compliance with Opinion Nos. 647, et seq.,

On November 14, 1973, we issued a telegraph in Docket Nos. RP71-39, RP71-20 directing United to suspend its priority plans quo and continue curtailing under the three-category plan, then in effect, until further order of the Commission. This was done based on requests for special relief and stay for a rehearing of our November 2nd order. These requests incorporate allegations of serious irreparable injury.


2 American Sugar Cane League of the U.S.A.; Vicksburg Chemical Company*; City of Opelousas, Louisiana*; Sewerage and Water Board of New Orleans, Louisiana*; Colonial Pipe Line Company*; City of Rayne, Louisiana*; City of Monroe, Louisiana; State of Louisiana*; United Gas Pipe Line Company; The Utilities Group; Shell Oil Company; Continental Can Company, Inc.; United Gas, Inc.; Attorney General of the State of Mississippi.

* indicates those who have sought or do seek special relief: Sewerage and Water Board of New Orleans, Louisiana states that it will do so in the near future.)

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We institute this proceeding so that there will exist one forum in which to determine the propriety of the several individual requests for relief from curtailment on the United system. In this connection, we direct attention to our order issued concurrently herewith in United Gas Pipe Line Company, Docket Nos. RP71-29, RP71-120 which further clarifies our emergency curtailment policy. On considering the several requests for extraordinary relief, it is of course necessary to review each application individually on its own merits, but the existence of the present gas shortage on United's system requires that we coordinate the temporary relief with respect to all parties that we have consolidated under the five-priority curtailment program, as set forth in our November 14, 1973, telegram. However, since each city state it faces an emergency situation wherein it will be required to shed firm electric load unless extraordinary relief is granted, it would appear that an exemption is available to the Cities upon proper showing and under the procedures delineated in our order issued concurrently Docket Nos. RP71-29 and RP71-120. The same relief is available to the Utilities Group.

Since many of the same parties involved in the remedied curtailment proceeding in Docket Nos. RP71-29 may wish to participate herein parties in that proceeding will be deemed to be parties in this docket. However, in order to maintain an orderly procedure, any intervenor desiring to record objections to the noticed petitions stating that the application is set forth in section 3(c) (1) of the Act (12 U.S.C. 1842(a) (1) ) to become a bank holding company through acquisition of more than 50 per cent of the voting shares of Scotitbluff National Bank and Trust Company, Scotitbluff, Nebraska. The factors that are to be considered in acting on the application are set forth in section 3(a) (8) and § 225.4(b) (2) of the Board's approval, Falls Church, Virginia, a bank holding company, under section 4(c) (3) of the Act and § 225.4(b) (2) of the Federal Reserve Act, November 29, 1973.

The application may be inspected at the Federal Reserve Board of Governors, 400th Building, Washington, D.C. before a President of the Board of Governors, Dan A. Alderson, Assistant Secretary of the Board.

By the Board.

ALBERT E. ALLISON, Assistant Secretary of the Board.

FEDERAL RESERVE SYSTEM

SCOTTSTUFF NATIONAL CORP.

Formation of Bank Holding Company

Scotitbluff National Corporation, Scotitbluff, Nebraska, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1) ) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Scotitbluff National Bank and Trust Company, Scotitbluff, Nebraska. The factors that are to be considered in acting on the application are set forth in section 3(c) (1) of the Act (12 U.S.C. 1842(c) )

The application may be inspected at the Board of Governors of the Federal Reserve System, November 29, 1973.


THEODORE E. ALLISON, Assistant Secretary of the Board.

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Robert C. Gilkinson, Inc.

First Virginia Bankshares Corporation, Falls Church, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c) (8) of the Act and § 225.4(b) (2) of

Administrative Law Judge to determine the issue of whether or not extraordinary relief is granted to the Company and Colonial as requested.

(D) All parties, including intervenors and Staff will file their evidence and testimony on or before December 10, 1973.

(E) Cross-examination shall commence on December 17, 1973.

(F) All parties granted intervention in "United Gas Pipe Line Company," Docket Nos. RP71-29 and RP71-120, are hereby permitted to become intervenors, subject to the rules and regulation of the Commission: Provided, however, That intervenors desiring to record objections to the noticed petitions stating with particularity the nature of their objections: And, provided, further, That the admission of such intervenors shall not be construed as recognition by the Commission and it might be aggrieved because of any order of the Commission entered in these proceedings.

By the Commission.

KENNETH P. PLUMM, Secretary.

FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973
Notice of the application, affording opportunity for interested persons to submit comments and views has expired, and none has been timely received.

Applicant, the sixth largest banking organization in Virginia, controls 23 banks with aggregate deposits of $718 million, representing 6.7 percent of total deposits in commercial banks in Virginia. One of Applicant's nonbanking subsidiaries, The Trust Company of First Virginia, Fairfax, Virginia, provides traditional fiduciary services, including, for example, acting as trustee under private and testamentary trusts, and, in addition, acts as investment adviser for approximately 46 managing agency accounts located primarily in Virginia. However, only 16 such accounts, representing about 3.5 percent of Trust Company's 1972 gross receipts, are located in Northern Virginia in or near the Washington, D.C., SMSA.

Company commenced business as a sole proprietorship in April 1969, and became incorporated under the laws of Washington, D.C., on January 6, 1971. The Company maintains two offices: one in Washington, D.C., and another in Northern Virginia in or near the Washington, D.C., SMSA.

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NOTICES

Advisory Panel for Engineering Chemistry and Energetics

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Engineering Chemistry and Energetics to be convened at 9:30 a.m. on December 18, 19, and 20, 1973, in Room 321 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the Panel is to provide advice and recommendations concerning the impact of the Foundation's research support programs on the scientific community in Engineering Chemistry and Energetics.

The agenda for this meeting shall include:

December 19
1. Current Support in the Heat Transfer Program
2. Future Trends of Research in Heat Transfer

December 19
1. Current Support in Research in Mass Transfer and Thermodynamics Program
2. Future Trends of Research in Mass Transfer and Thermodynamics

December 20
1. Current Support in the Chemical Processes Program
2. Future Trends of Research in Chemical Processes

This meeting shall be open to the public. Individuals who wish to attend Section Head, Engineering Chemistry and Energetics Section, by mail (Room 342, 1800 G Street NW., Washington, D.C. 20550) or by telephone (202-632-5897) prior to the meeting. Persons requiring further information concerning this Panel should contact Dr. R. K. Timmerhaus at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. Jenkins, Assistant Director for Administration.


[FR Doc.73-25835 Filed 12-5-73; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

HEDBERG AND GORDON LEVERAGE FUND

Filing of Application


Notice is hereby given that Hedberg and Gordon Leverage Fund (the "Applicant") 111 North Broad Street, Philadelphia, Pennsylvania 19107, a Pennsylvania corporation registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

On February 27, 1973, Applicant's board of directors voted unanimously to submit to shareholders a proposed plan for the dissolution of Applicant and the liquidation of its assets.

On May 15, 1973, Applicant's shareholders approved the Plan. Pursuant to the Plan, the Applicant is to be liquidated by converting all of its securities and assets to cash and, after payment of or provision for liabilities, distributing the net cash proceeds to the shareholders. Any of the Applicant's assets that cannot be converted to cash and distributed pro-rata to Applicant's shareholders as provided by the Plan.

Applicant's sole remaining asset is a $25,000 principal amount 6% percent Note due September 30, 1974 (the "Note") issued by United Information Utilities, Inc. Interest on the Note is in default, and it is unclear to Applicant whether or not the issuers will be able to meet its obligations on the maturity date of the Note. Since August 1972, the Note has been carried on the books of Applicant at a nominal amount of $1. This Note will be transferred to a trust for the benefit of shareholders. The trustee of the trust, who will serve without compensation, will be the Fund's treasurer and the fund's assistant secretary.

The trust agreement will provide, among other things, that the trustees will hold the Note until such time as they may decide in their sole discretion to sell the Note, or the Note is redeemed and the proceeds, if any, distributed to shareholders of Applicant, but in no event will the trust continue for longer than 19 years from the date of its creation. If the Note has not been sold or redeemed as of that time, the trust will nevertheless be terminated, and the trustees shall sell the Note for cash upon the best terms available and distribute the proceeds of such sale to shareholders according to their respective interests in the Note. The trustees shall not sell, transfer, or otherwise dispose of the Note to any person who has not been able to sell the Note without violating section 17 of the Act had the Fund remained registered as an investment company.

As of May 31, 1973, there were 32 beneficial owners of shares of Applicant's outstanding stock. Applicant has ceased to offer its shares to the public and has no intention to make such distribution in the future. Applicant will be dissolved following liquidation of its assets.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application of an investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall be in effect.

Notice is further given that any interested person may, not later than December 19, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 5 of the rules promulgated under the Act, an order disposing of the application will be issued as of course following December 19, 1973, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[FR Doc.73-25864 Filed 12-5-73; 8:45 am]

NORTHEAST UTILITIES AND THE ROCKY RIVER REALTY CO.

Proposed Issue and Sale of Subordinated Unsecured Notes by Non-Utility Subsidiary to Parent Holding Company


Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, a registered holding company, and The Rocky River Realty Company ("Rocky River"), 240 Union Street, Berlin, Connecticut 06037, a non-utility subsidiary of Northeast, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(b) of the Act and rules 43, 45(b)(1) and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All hearing on the persons are requested to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973
The Commission has by order dated September 25, 1973, authorized Rocky River to purchase 24 acres of improved realty in Newington, Connecticut, and to lease it to Northeast Utilities Service Company, Inc., for $441,623.67. Rocky River will be paid at maturity out of funds borrowed from Northeast.

In order to pay the aforesaid purchase money note, which matures January 2, 1974, and, additionally, to provide Rocky River with funds for capital expenditures over the next five years in connection with the acquired facilities, Rocky River now proposes to issue and sell, and Northeast proposes to purchase, five-year subordinated unsecured notes ("Notes") in an aggregate amount not to exceed $1.5 million outstanding at any one time.

Said Notes will mature five years from the date of original issue, will bear interest at a rate of one-quarter of one per cent higher than the commercial bank prime rate for short-term loans in effect on the date of issue, and adjusted thereafter to reflect any changes thereto, will be payable at any time without penalty, and will be subordinated to Rocky River's outstanding first mortgage bonds, to its 30-year unsecured notes and to any other outstanding borrowings from time to time at Natco and its subsidiaries. The application-declaration states that the Notes will be repaid within five years from the proceeds of long-term financing, the nature and amount of which has not been determined.

It is stated that no fees, commissions or expenses have been incurred or will be incurred in connection with the proposed transactions, apart from incidental costs of approximately $500 for services or expenses that have been incurred or will be incurred to perform the cost at Northeast Utilities Service Company. It is further stated that no State commission and no Federal commission, other than the Commission, has jurisdiction over the proposed transactions.

Notice is hereby given that American Electric Power Company, Inc., ("AEP") is a registered holding company, Michigan Power Company ("MPC") 2 Broadway, New York, New York 10004, has filed in the Commission pursuant to sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder, an eight-post-effective amendment to the declaration in this matter. All interested persons are referred to the declaration as now amended, which is summarized below, for a complete statement of the proposed transactions.

In prior orders in this proceeding, MPC has been authorized to make borrowings from time to time prior to December 31, 1973, from the National Bank of Detroit ("National") and the First National Bank of Canton ("Canton") in an aggregate amount not to exceed $4,000,000 outstanding at any one time. The maximum amounts of such borrowings, as of the date of the borrowing, and will be $4,000,000 from National and $1,250,000 from Canton, however, in no event will the aggregate amount of such borrowings exceed $4,000,000 outstanding at any one time. The Commission has also authorized AEP to make open account advances to MPC of up to $12,000,000 outstanding at any one time. The advances must be repaid before the preferred stock of MPC was retired (Holding Company Act Release Nos. 13572 (October 10, 1967), 16051 (May 2, 1968), 16833 (May 26, 1969), 16059 (December 16, 1969), 16880 (October 26, 1970), 17405 (December 21, 1971), 17566 (March 29, 1972), and 17670 (November 29, 1972)).

The eighth post-effective amendment requests authorization for an extension of December 31, 1973, to December 31, 1974, of the time in which MPC may have its notes to National and Canton outstanding and of the time for repayment of the open account advances from AEP, provided that the advances will not be repaid before the preferred stock of MPC has been retired. It is also requested that the maximum amount to be borrowed from Canton be increased from $1,250,000 to $1,400,000. The proposed notes to National and Canton will not exceed $4,000,000 outstanding at any one time, will be dated as of the date of the borrowing, and will not be more than 20% of the date of issuance or reissue thereof, but in no event after December 31, 1974. The notes will bear interest at a rate per annum equal to the prime credit rate in effect from time to time at the extending bank and will be payable, in whole or in part, at any time by MPC, without premium or penalty. It is stated that sufficient bank balances to meet obligations and financial needs generally are kept at National and Canton, so that no additional balances will, generally, be required in connection with the borrowings. If the aggregate of such balances were less than the so-called "current reserves" necessary to avoid any disturbance in an aggregate amount not to exceed $4,000,000.

The proceeds from the notes to National and Canton and the open-account advances are required to be used in connection with the construction program, which for the year 1974 is expected to amount to approximately $8,000,000, to pay operating costs of which have been incurred or will be incurred in connection with past expenditures in connection with the construction program. Under the Act, or the Commission may grant other action as it may deem appropriate.

The proceeds from the notes to National and Canton and the open-account advances are required to be used in connection with the construction program, which for the year 1974 is expected to amount to approximately $8,000,000, to pay operating costs of which have been incurred or will be incurred in connection with past expenditures in connection with the construction program. Under the Act, or the Commission may grant other action as it may deem appropriate.

The proceeds from the notes to National and Canton and the open-account advances are required to be used in connection with the construction program, which for the year 1974 is expected to amount to approximately $8,000,000, to pay operating costs of which have been incurred or will be incurred in connection with past expenditures in connection with the construction program. Under the Act, or the Commission may grant other action as it may deem appropriate.

The proceeds from the notes to National and Canton and the open-account advances are required to be used in connection with the construction program, which for the year 1974 is expected to amount to approximately $8,000,000, to pay operating costs of which have been incurred or will be incurred in connection with past expenditures in connection with the construction program. Under the Act, or the Commission may grant other action as it may deem appropriate.

The proceeds from the notes to National and Canton and the open-account advances are required to be used in connection with the construction program, which for the year 1974 is expected to amount to approximately $8,000,000, to pay operating costs of which have been incurred or will be incurred in connection with past expenditures in connection with the construction program. Under the Act, or the Commission may grant other action as it may deem appropriate.

The proceeds from the notes to National and Canton and the open-account advances are required to be used in connection with the construction program, which for the year 1974 is expected to amount to approximately $8,000,000, to pay operating costs of which have been incurred or will be incurred in connection with past expenditures in connection with the construction program. Under the Act, or the Commission may grant other action as it may deem appropriate.

The proceeds from the notes to National and Canton and the open-account advances are required to be used in connection with the construction program, which for the year 1974 is expected to amount to approximately $8,000,000, to pay operating costs of which have been incurred or will be incurred in connection with past expenditures in connection with the construction program. Under the Act, or the Commission may grant other action as it may deem appropriate.

The proceeds from the notes to National and Canton and the open-account advances are required to be used in connection with the construction program, which for the year 1974 is expected to amount to approximately $8,000,000, to pay operating costs of which have been incurred or will be incurred in connection with past expenditures in connection with the construction program. Under the Act, or the Commission may grant other action as it may deem appropriate.
the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the Commission. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 29(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof. For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] George A. Fitzsimmons, Secretary.
[FR Doc. 73-25809 Filed 12-5-73; 8:45 am]

SEC PUBLIC REFERENCE ROOM
Change of Address

The Public Reference Room of the Securities and Exchange Commission's Headquarters Offices has been moved from 500 North Capitol Street, into Room 6101 at 1100 L Street, NW., Washington, D.C., where it will continue to provide the full range of services to the public which were available at its former location.

Visiting hours of the Public Reference Room are from 9 a.m. to 4:30 p.m. on regular business days of the Commission. The new telephone number is (Area Code 202) 523-5506. Written requests should continue to be addressed to the Public Reference Section, 500 North Capitol Street, Washington, D.C. 20549.

[SEAL] George A. Fitzsimmons, Secretary.
[FR Doc. 73-25166 Filed 12-5-73; 8:45 am]

SEABOARD AMERICAN CORP.
Suspension of Trading


It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Seaboard American Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:00 P.M. (est) on November 28, 1973 through December 7, 1973.

By the Commission.

[SEAL] Shirley E. Hollis, Senior Recording Secretary.
[FR Doc. 73-25809 Filed 12-5-73; 8:45 am]

NOTICES
[812-3149]

SECURITY EQUITY FUND, INC. ET AL.
Filing of Application


Notice is hereby given that Security Equity Fund, Inc., Security Investment Fund, Inc., Security Ultra Fund, Inc., and Security Bond Fund, Inc. ("Funds"), open-end diversified management investment companies registered under the Act, the Security Management Company, Inc. ("Management Company"), and its wholly-owned subsidiary which is the Funds' underwriter, Security Distributors, Inc. (referred to herein collectively with the Funds and Management Company as "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order exempting the transactions described below from section 22(d) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the material facts and circumstances therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter of an underwriting participating in an underwriting of any securities of the Funds shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Securities of the Funds are sold at prices which, as described in the prospectuses of such Funds, include sales charges. Applicants propose to offer to persons who redeem shares of any of the Funds a one-time privilege: (a) to reinstate their shares by repurchasing shares at net asset value without a sales charge; or (b) to the extent the redeemed shares would be eligible for the reinvestment privilege, to sell such shares without sales charges to stockholders, to purchase shares of any of the other Funds at net asset value without a sales charge. Reinvestment or purchase of the shares of any of the other Funds would have to be post-marked, received by the Applicants within 15 days after the redemption request had been received by the Applicants and would be processed at the applicable net asset value as of the date of the request of the exchange or the privilege is received. Information concerning the privilege would be included in the prospectus of each of the Funds and notice of the privilege would also be mailed to stockholders by first-class mail, delivered personally, by certified mail or by telephone as part of the handling of their redemption request. No compensation of any kind would be paid to any dealer or salesman in connection with the purchase or conversion of shares pursuant to exercise of the privilege. Any cost involved would be borne by the Management Company.

Applicants contend that the proposed privilege would enable investors to be reminded of features of their investment which they may have overlooked or of which they may have been unaware at the time they redeemed. In addition, Applicants assert that the privilege does not operate to the prejudice of the Funds or their stockholders and that the one-time nature of the privilege would prevent speculation or trading against the Funds.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 21, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be determined at the hearing. Wherever a person requests that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request.

Applicants and any other persons filing written requests for a hearing on the matter accompanied by a statement as to the nature of their interest, the reason for such request and the issues, if any, of fact or law proposed to be determined at the hearing, shall note that the Commission may order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] George A. Fitzsimmons, Secretary.
[FR Doc. 73-25066 Filed 12-5-73; 8:45 am]

SUN LIFE INSURANCE COMPANY OF AMERICA
Filing of Application

Notice is hereby given that Sun Life Insurance Company of America—The Series Investment Accounts, Sun Life Building, Charles Center, Baltimore, Maryland 21201 (the "Separate Account"), a diversified, open-end, man-
made. The group and individual con-
be taken on these matters by contract
limited period of time until action can
under the Securities Act of 1933 becomes
ipant in a group variable annuity con-
substance, require shareholder approval
 Application on file with the Commission
for a statement of the representations
contains therein which are summarized
below.

Sun Life is a stock life insurance company
incorporated under the laws of
Maryland. The Separate Account was es-
ablished by Sun Life as a facility for
issuing group and individual variable an-
nuity contracts including contracts
which are qualified for special tax treat-
ment under section 403(b) of the Internal
Revenue Code. The Separate Account
consists of six individual series each of
which has its own investment objectives
and policies. The owner of an individual
variable annuity contract and the partic-
ipant in a group variable annuity con-
tract which is issued pursuant to a tax-
qualified plan may at any time during a
period in the pay-in period, to transfer
mine the account or accounts into which
part or all of the net purchase payments
made by or on behalf of such owner or
participant is successively employed
which his annuity payments will be
made. The group and individual con-
tracts issued by Applicants are of the
periodic payment type and provide for
deferred benefits. Sun Life will serve as
investment adviser to the Separate Ac-
count pursuant to a written contract and
the Rothschild Company ('Roths-
dchild') will serve as sub-investment ad-
dviser to the Separate Account contracts
to a written contract between Sun Life and
Rothschild.

Sections 15(a), 16(a), and 31(a)(2). Sections
15(a), 16(a) and 32(a)(2), in substance
have the same effect in relation to
an investment advisory agreement
the election of directors by shareholders,
and shareholder ratification of the selec-
tion of an independent public account-
ant, respectively. Applicants further
not be met at the inception of the Separate
Account because there will be
no contract owner and, hence, no holders
of voting securities until after the Sepa-
rate Account's registration statement
under the Securities Act of 1933 becomes
effective. Therefore, Applicants request
exemption from these provisions so that
the Separate Account may operate in a
limited period of time until action can
be taken on these matters by contract
owners at their first annual meeting.
Applicants state that both advisory agreements of directors and the
ratification of the selection of an
independent public accountant will be
submitted to shareholders at the first
annual meeting, which Applicants
undertake to hold within six months of
the date the Separate Account's regis-
tration statement under the Securities
Act of 1933 becomes effective or this ap-
plication is granted, whichever is later.

Section 22(d). Section 22(d) of the Act
provides in pertinent part, that no reg-
istered investment company or principal
underwriter therefor shall sell any re-
demnable security to the public except
at the current public offering price de-
scribed in the prospectus.

Both the individual and group variable
annuity contracts issued by Applicants
provide that purchase payments made
by or on behalf of such owner or
participant are never recoverable and
administrative expense charges, may be
invested partly in one or more series of
the Separate Account for accumulation
on a variable basis and partly in the
General Account of Sun Life for accumu-
lization on a fixed dollar basis or entirely
in one or more series of the Separate
Account or entirely on a fixed dollar basis.

Applicants request an exemption from
section 22(d) to permit con-
tract owners of individual contracts and
participants under group contracts dur-
ing the pay-in period, and annuitants
during the pay-out period, to transfer
his or her accumulated amount from the
General Account of Sun Life to the
Separate Account without the payment of any
sales or other charges. Transfers of funds
made during the pay-in period will allow
the Separate Account not to be per-
mitted more frequently than once a year
and will be subject to certain other re-
ces. Applicants represent that if a par-
cipant is successively employed by two
or more employers who happen to have
the same type of group variable annuity
contract in force with Sun Life, the
administration of amounts contributed
under the several contracts is made more
feasable and economical by the combina-
tion of such amounts under the contract
of the most recent employer. Applicants
further represent that it would be in-
appropriate and unfair to impose addi-
tional sales and administrative charges
in the administration of amounts contributed
under the Separate Account for accumu-
lization on a fixed dollar basis or entirely
in one or more series of the Separate
Account or entirely on a fixed dollar basis.

Applicants request an additional ex-
emption from section 22(d) to permit a
participant under a group variable an-
nuity contract, as to whom contributions
have ceased, to purchase an individual
variable annuity contract with the value
of his individual interest without any
deduction for sales and administrative
expenses if appropriate individual vari-
able annuity contracts are then being
issued by Sun Life. Such transfer will be
at the option of the participant. The
purpose of this right is to permit an individ-
ual whose relationship with a particular group has terminated,
who desires to continue his variable
annuity program with Sun Life, to com-
bine amounts previously distributed
under the group variable annuity con-
tract with amounts to be contributed
under an individual variable annuity
contract.

Applicants also request an exemption
from section 22(d) to permit an employee
who is a participant in a group variable
annuity contract sponsored by Appli-
cants to transfer his or her accumulated
amount to an individual variable annuity
contract. Pursuant to this pro-
vision, Applicants would annually deter-
rine the sales and administrative costs
applicable to each group contract. If
amounts deducted for such expenses
during that period exceed actual costs
for the prior year, then all, a portion,
or none of the accumulated amount will
be allocated to retirement, disability or
death benefit after deduction for sales and
administrative expense charges. The
purpose of this right is to permit a limited form of
portability of accumulated annuity
benefits. Applicants represent that if a par-
cipant is successively employed by two
or more employers who happen to have
the same type of group variable annuity
contract in force with Sun Life, the
administration of amounts contributed
under the several contracts is made more
feasable and economical by the combina-
tion of such amounts under the contract
of the most recent employer. Applicants
further represent that it would be in-
appropriate and unfair to impose addi-
tional sales and administrative charges
in the administration of amounts contributed
under the Separate Account for accumu-
lization on a fixed dollar basis or entirely
in one or more series of the Separate
Account or entirely on a fixed dollar basis.

Finally, Applicants request an ex-
emption from section 22(d) to permit a
beneficiary under a group or an individ-
al variable annuity contract to elect to
receive the death benefit under a con-
tract in the form of one of the annuity
options set forth in the contract without
any deductions for sales and administra-
tive expense charges.

Section 27(c)(2). Section 27(c)(2) of
the Act requires that the proceeds, after
deduction of sales and administrative
expenses, be deposited by the
trustee or custodian under an
indenture or agreement containing, in
substance, the provisions required by
section 28(a)(2) and (3) for the trust
indenture of a unit investment trust.

Section 26(a)(2) requires that the
trustee or custodian segregate and hold
in trust all securities and cash of the

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trust. It also places certain restrictions on charges which may be made against the trust by the policy and provisions of the Act. Section 26(b) authorizes the Commissioner to exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and not inconsistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Notice is further given that any interested person may, not later than December 21, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) on the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of December 17, 1973, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered as a result of receipt of a written notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof. By the Commission.

[SEAL]

George A. Fitzsimmons, Secretary.

[FR Doc.73-25800 Filed 12-5-73; 8:45 am]

[FR Doc.73-25860 Filed 12-5-73; 3:45 am]

TECHNICAL RESOURCES, INC.

Suspension of Trading


It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors; Therefore, pursuant to section 15(c) (6) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 28, 1973 through December 7, 1973.

By the Commission.

Shirley E. Hollins
Senior Recording Secretary.
Notice is hereby given that New England Electric System (\textit{NEES}), 20 Turnpike Road, Westborough, Massachusetts, has filed an application-declaration with the Securities and Exchange Commission pursuant to delegated authority. The application-declaration and an amendment thereto with the request. At any time after said date, the application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date, the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

\textbf{SECRETARY} \textit{George A. Fitzsimmons}, Secretary.

\textit{FR Doc. 73-25815 Filed 12-5-73; 8:45 am}

\textbf{UTAH POWER & LIGHT CO.}

Filing of Application

Notice is hereby given that Utah Power & Light Company ("Utah"). 1407 West North Temple Street, P.O. Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to, insofar as applicable, sections 5, 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 43 promulgated thereunder. All interested persons are referred to the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date, the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

\textbf{SECRETARY} \textit{George A. Fitzsimmons}, Secretary.

\textit{FR Doc. 73-26298 Filed 12-5-73; 8:45 am}
NOTICES

It is further ordered, That any person, other than applicant-declarant, desiring to be heard in these consolidated proceedings or intervention thereto, in such manner as shall be prescribed by the Secretary of the Commission, on or before January 7, 1974, a written request relative thereto as provided in Rule 9 of the Commission's Rules of Practice. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

7. Whether the electric facilities of Western may be retained by Utah as an additional system under the provisions of Section 11(b)(1).

8. What conditions, if any, should be imposed if the proposed transactions are approved.

9. Whether, upon consummating the proposed transactions, an unconditional order should issue under section 8(d) declaring Utah to be no longer a holding company and terminating its registration as such under the Act.

10. Generally, whether the approved transactions are in all other respects compatible with the provisions and standards of the Act and the Rules promulgated thereunder.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That an Administrative Law Judge, hereinafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under Section 18(e) of the Act and to a hearing officer under the Commission's Rules of Practice.

It is further ordered, That any person, other than applicant-declarant, desiring to be heard in these consolidated proceedings or intervention thereto, in such manner as shall be prescribed by the Secretary of the Commission, on or before January 7, 1974, a written request relative thereto as provided in Rule 9 of the Commission's Rules of Practice. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

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It is further ordered, That any person, other than applicant-declarant, desiring to be heard in these consolidated proceedings or intervention thereto, in such manner as shall be prescribed by the Secretary of the Commission, on or before January 7, 1974, a written request relative thereto as provided in Rule 9 of the Commission's Rules of Practice. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

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It is further ordered, That any person, other than applicant-declarant, desiring to be heard in these consolidated proceedings or intervention thereto, in such manner as shall be prescribed by the Secretary of the Commission, on or before January 7, 1974, a written request relative thereto as provided in Rule 9 of the Commission's Rules of Practice. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.
NOTICES

INTERSTATE COMMERCE COMMISSION

[Notice 98]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS


The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are currently being processed by Special Rule 1100.247 1 of the Commission's general rules of practice (49 CFR, as amended), published in the Federal Register of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of publication of the application, as published in the Federal Register. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest untimely filed cannot be amended to include new matter—whether by oral, written or other means—by which protestant would use such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(d)(1) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the Federal Register issue of May 3, 1966. This assignment will be by the Commission and one (1) copy of the protest will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.

No. MC 409 (Sub-No. 47) (AMENDMENT), filed September 10, 1973, published in the Pennsylvania Register issue of November 8, 1973, and republished as amended this issue. Applicant: SCHROETLIN TANK LINES, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid fertilizer solutions, in tank vehicles, from plantsites, storage and transfer points in Nebraska; (1) from Domphan, Nebr. and Kansas City, Mo., to points in Kansas; (2) from Kansas City, Mo.-Kans., to points in Colorado, from Fairfield, Nebr., to points in Kansas on and west of U.S. Highway 183, on and north of Interstate Highway 70, and on and west of U.S. Highway 76.

No. MC 409 (Sub-No. 48), filed October 17, 1973. Applicant: SCHROETLIN TANK LINES, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, 521 S. 14th St., Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid feed and liquid feed supplements, in bulk in tank vehicles, from Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming.

No. MC 730 (Sub-No. 356), filed October 5, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooder (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Waste solvent, in bulk, in tank vehicles, from Phoenix, Ariz., to and west of U.S. Highway 80, California; (2) petroleum and petroleum products, in bulk, in tank vehicles, from points in Duchesne County, Wash., to points in Nevada and Idaho; and (3) petroleum and petroleum products, and lubricating oil additives, in bulk, in tank vehicles, from Good Hope and Oak Point, La., to points in California, Oregon, and Washington.

No. MC 2228 (Sub-No. 94), filed October 10, 1973. Applicant: CHAMBERS' SUMMIT RIVER CHAUFFANTS FAST MOTOR LINES, INC., East Highway 80, P.O. Drawer 391, Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Dallas and Houston, Tex., serving no intermediate points, as an alternate route for operating conventional carriers in connection with carrier's presently authorized regular-route operations: From Dallas over Interstate Highway 45 to Houston, and return over the same route.

No. MC 2860 (Sub-No. 134), filed October 15, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineyard, N.J. 08360. Applicant's representative: J. B. Hemphill, 1417 South Monroe Street, Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fibrous glass products and materials, building wall and insulation board and materials, plastic products and materials, mineral wool and mineral wool products, insulting materials and insulation, and such materials, supplies and equipment as used in the production, distribution and installation of such commodities (other than commodities in bulk) between the plantsites, storage and delivery facilities of the United States Fiber Glass Insulation Products Corporation in Clarke County, Ga., and Fulton County, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

No. MC 2860 (Sub-No. 135), filed October 17, 1973. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineyard, N.J. 08360. Applicant's representative: Alvin Altman, 1778 Broadway, New York, N.Y. 10019. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fiber glass products and materials, building wall and insulation board and insulation, and such materials, supplies and equipment as used in the production, distribution and installation of such commodities (other than commodities in bulk) between the plantsites, storage and delivery facilities of the United States Fiber Glass Insulation Products Corporation in Clarke County, Ga., and Fulton County, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

1 Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.
No. MC 4687 (Sub-No. 14) (CORRECTION), filed September 17, 1973, published in the FR issue of November 16, 1973, and republished as corrected this issue. Applicant: BURGESS & COOK, INC., P.O. Box 458, Fernandina Beach, Fla. 32034. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Waste products intended for reuse or recycling and used pallets, from points in Alabama, Florida, Georgia, and South Carolina, to Jacksonville and Fernandina Beach, Fla. 

No. MC 19227 (Sub-No. 194), filed October 9, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N. W. 26th Street, P.O. Box 602, Miami, Fla. 33127. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Therapy pools, parts, materials, equipment and supplies used in the construction and installation thereof, between the plant site of Riviera Industries, Inc., at Sun Valley, Calif., and the other, points in Arizona, New Mexico, Texas, Nebraska, Kansas, Oklahoma, Colorado, Nevada, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, and South Dakota.

No. MC 19227 (Sub-No. 195), filed October 9, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N. W. 26th Street, P.O. Box 602, Miami, Fla. 33127. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Therapy pools, parts, materials, equipment and supplies used in the construction and installation thereof, between the plant site of Riviera Industries, Inc., at Sun Valley, Calif., and the other, points in Arizona, New Mexico, Texas, Nebraska, Kansas, Oklahoma, Colorado, Nevada, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, and South Dakota.

No. MC 19227 (Sub-No. 197), filed October 17, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N. W. 26th Street, P.O. Box 602, Miami, Fla. 33127. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles as described in Appendix V, Description in Motor Carrier Certificates, 61 M.C.C. 209, (1) between points in Florida, on the one hand, and, on the other, points in Texas; (2) between points in Florida, on the one hand, and, on the other, points in Texas; (3) between points in Kansas, Missouri, Nebraska, New Mexico, and Oklahoma, (4) between points in Kansas, Missouri, Nebraska, New Mexico, and Oklahoma, on the one hand, and, on the other, points in Texas; (5) between points in Florida, on the one hand, and, on the other, points in Alabama, Georgia, and South Carolina; (6) between points in Florida, on the one hand, and, on the other, points in Texas, New Mexico, and Arizona.

No. MC 19227 (Sub-No. 198), filed October 9, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N. W. 20th Street, P.O. Box 602, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Therapy pools, parts, materials, equipment and supplies used in the construction and installation thereof, between the plant site of Riviera Industries, Inc., at Sun Valley, Calif., on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Georgia, North Carolina, South Carolina, Florida, Virginia, and West Virginia.


Applicant states that the requested authority cannot be tacked with existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.
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III 60063. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, raw materials, and those in the form of ingots, castings, and slabs, manufactured by the Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, the Lower Peninsula of Michigan, Ohio, and the St. Louis, Mo., Commercial Zone.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.


No. MC 33538 (Sub-No. 32), filed October 22, 1973. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive N.E., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classified by the Commission as 'first class goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of DLM, Inc., located approximately 15 miles to the south of the bidder station, as the off-route point in connection with applicant's regular-route authority to and from Malvern, Ark.

Note.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or New Orleans, La.

No. MC 41406 (Sub-No. 34), filed October 10, 1973. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classified by the Commission as 'first class goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of DLM, Inc., located approximately 15 miles to the south of the bidder station, as the off-route point in connection with applicant's regular-route authority to and from Malvern, Ark.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 43663 (Sub-No. 3), filed October 15, 1973. Applicant: CHIEF TRUCK LINES, INC., Joliet Road & 78th Street, Hinsdale, Ill. 60521. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from Chicago and Joliet, Ill., and Burns Harbor, Ind., to points in Wisconsin, Illinois, and those in Indiana on and north of U.S. Highway 60, exclusive of the city of Milwaukee, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from Chicago and Joliet, Ill., and Burns Harbor, Ind., to points in Wisconsin, Illinois, and those in Indiana on and north of U.S. Highway 60, exclusive of the city of Milwaukee, Wis.

Note.—Applicant presently holds "size and weight" authority from the origins to the destinations requested herein. Applicant states that the requested authority cannot be tacked at Chicago and Joliet, Ill., to handle iron and steel articles categorized as size and weight commodities: (a) from points in Illinois to points in Nevada on and south of U.S. Highway 95; (b) from a designated portion of Indiana; and (c) from points in Wisconsin and a designated portion of Indiana. Applicant further states that the requested authority can be tacked at Chicago, Ill., on iron and steel articles categorized as general commodities (with usual exceptions) between points in Illinois and Indiana within a 40-mile radius of Chicago, on the one hand, and, on the other, points in Illinois and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 49304 (Sub-No. 31), filed September 21, 1973. Applicant: BEST FREIGHT SYSTEM, INC., 301 North Lima, Ohio 44452. Applicant's representative: Joseph W. Trehon, INCORPORATED, Box 332, North Lima, Ohio 44452. Applicant's representative: Joe F. Asher, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Refractory and clay products, and materials and supplies used in the installation thereof, from Columbus, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, and West Virginia, restricted against the transportation of refractories, to points in Wayne and Monroe Counties, Mich.

Note.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.


Note.—Common control was involved in MC-P-11405. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 319), filed October 11, 1973. Applicant: SCHNEIDER TRUCKING COMPANY INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin, P.O. Box 2396, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Wearing apparel and materials, supplies and equipment used in the manufacture thereof, between Cumberland, Md., and Lock Haven, Pa.
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tainers and closures thereto, and from Mundelein, Ill., to points in Colorado, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, and Nebraska.

Note.—Common control may be involved.

Applicant states that the requested authority can be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 60465 (Sub-No. 8), filed July 12, 1973. Applicant: JENNYCITY TRANS-
PORTATION COMPANY, a Corporation, 907 F Street, P.O. Box 468, Charles City, Iowa. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Build-
ing, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Castings, from Charles City, Iowa, to points in Illinois on and north of a line beginning at the Illinois-Missouri State line near Alton, Ill., and extending along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Indiana State line and thence following the lines of the White Farm Equipment Company.

Note.—Dual operations may be involved.

If a hearing is deemed necessary, applicant requests it be held at each Chicago, Ill., Minneapolis, Minn., Omaha, Nebr., or Kansas City, Mo.

No. MC 61592 (Sub-No. 310), filed Oc-

Note.—Applicant states that the requested authority can be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Greenville, S.C., or Washington, D.C.

No. MC 52704 (Sub-No. 109), filed Oc-
tober 19, 1973. Applicant: GLENN Mc-
CLENDON TRUCKING COMPANY, Inc., La-
ayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bottle woots, bottle traps and containers, machines and machine parts, and polyethylene bags, between the plantsite of Laurens Glass Company located at or near Simpson, La., to points in Virginia. If a hearing is deemed necessary, applicant requests it be held at Greenville, S.C., or Washington, D.C.

Note.—Common control may be involved.

Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 58224 (Sub-No. 58), filed Oc-
tober 15, 1973. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a Corporation, Ewone Lane, New Brunswick, N.J. 08903. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Food and food stuffs (except com-

No. MC 75820 (Sub-No. 165), filed Oc-
tober 12, 1973. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Rdg., P.O. Box 23697, Jack-
sonville, Fla. 32234. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, household goods as defined by the Commission, machinery, equipment, materials, and supplies; metal and plastic boxes; metal and plastic bags; metal and plastic containers; building materials, industrial equipment, materials, and supplies; furniture; cabinets, and chests; tool stands; and hospital carts, (1) between Waterloo, Iowa, and Pochantas, Ark.; and (2) between Waterloo, Iowa, and Pochantas, Ark., on the one hand, and, on the other hand, points in Illinois, Indiana, Iowa, and Missouri.

Note.—Applicant states that the requested authority can be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at each Chicago, Ill., Minneapolis, Minn., Omaha, Nebr., or Kansas City, Mo.

No. MC 73041 (Sub-No. 322), filed Oc-
tober 18, 1973. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Bir-
mington, Ala. 35202. Applicant's representa-
tive: Donald L. Stern, 539 Univa Building, 7100 West Center Road, Omaha, Nebr. 68116. Applicant's representative: Donald L. Stern, 539 Univa Building, 7100 West Center Road, Omaha, Nebr. 68116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Building materials, from the
plant site of Johns-Manville Products Corporation at Waukegan, Ill., and the plant site of Fibre Products Division, located in Grayson County, Tex.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 94291 (Sub-No. 117), filed October 29, 1973. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Alton, Ill. 62002. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Charcoal (except in bulk), and lighter fluid (naphtha distillate), hickory chips, fireplace logs, and vermiculite, other than crude, when moving in mixed shipments with charcoal, from Dothan, Ala., to points in Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, and (2) materials and supplies, except as, bags, bales, twine, hickory chips, lighter fluid (naphtha distillate), fireplace logs, and vermiculite, other than crude, when moving in mixed shipments with charcoal, from Dothan, Ala., to points in Kentucky, North Carolina, South Carolina, Tennessee, and Virginia.

Note.—Applicant requests it be held at Cleveland, Ohio.


Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83835 (Sub-No. 111), filed October 10, 1973. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6166, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Cooling equipment and parts of cooling equipment, and (2) materials and supplies, except in bulk, used in the manufacturing, installation and erection of cooling equipment, from the plant site of Johns-Manville Products Corporation at Waukegan, Ill., to points in Iowa, South Dakota, and Nebraska; and (2) asbestos cement pipe, from the plant site of Fibre Products Division, located in Grayson County, Tex., to points in Iowa, South Dakota, and Nebraska; and (3) asbestos cement pipe, from the plant site of Johns-Manville Products Corporation at Waukegan, Ill., to points in Colorado, Moniana, Wyoming, Idaho, Montana, and South Dakota.

Note.—Applicant requests it be held at Dallas or Washington, D.C.

No. MC 95840 (Sub-No. 899), filed October 19, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive NE., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificate," 61 M.C.C. 269 and 270, except hides and commodities in bulk in tank vehicles), from the plant site of Madison Foods, Inc., located at or near Madison, Nebr., to points in Arkansas, Kansas, Nebraska, Oklahoma, and Colorado; and (2) be tween points in Duchesne, Uintah, Tooele, Dugway, Utah, and other points in Utah, on the one hand, and on the other, points in Colorado, Wyoming, Oklahoma, Arizona, and New Mexico; and (2) between points in Colorado and Wyoming.

No. MC 95930 (Sub-No. 2) to provide service between the counties in Utah named above and points in Kansas and those in Texas in and on a line bounded on the south by U.S. Highway 84 extending from the New Mexico-Texas State Boundary line to Lubbock, Tex., thence along U.S. Highway 82 to Wichita Falls, Tex., and on the east by U.S. Highway 277, extending from Wichita Falls, Tex., to the Texas-Oklahoma State Boundary line. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Chicago, Ill.

No. MC 95839 (Sub-No. 10), filed October 15, 1973. Applicant: SKYLINE TRUCKING SERVICE, INC., 1751 Grand Avenue, Granite City, Ill. 62040. Applicant's representative: Richard Chasteen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Gypsum and gypsum products, and materials and supplies used in the installations and distribution thereof, from Port Dodge, Iowa, to points in Illinois, Indiana, and Missouri.

No. MC 99328 (Sub-No. 12), filed October 15, 1973. Applicant: SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, Knoxville, Tenn. 37911. Applicant's representative: Dale Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transport-
ing: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), (1) Regular route—Between Knoxville, Tenn., and Birmingham, Ala.: From Knoxville over Interstate Highway 75 to Chattanooga, Tenn., thence over U.S. Highway 11 and also Interstate Highway 59 to Birmingham, thence over U.S. Highway 80 to Mobile, Ala. (2) Irregular route—Between Knoxville, Tenn., on the one hand, and, on the other, points in Hawkins, Sullivan (including Bristol, Va., and its commercial zone), Johnson, Carter, Washington, and Unicoi Counties, Tenn.

NOTE.—Common control was approved in No. MC-F-11779. Applicant states that the request for authority in parts (1) and (2) above will be tackled at Knoxville, Tenn. Applicant further states that the combined request for authority herein will be tackled at Knoxville, Tenn., with existing authorities to serve various points in Tennessee and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 99865 (Sub-No. 4) (AMENDMENT), filed September 4, 1973, published in the FR issue of November 15, 1973, and republished as amended this issue. Applicant: G. T. TRUCKING COMPANY, a Corporation, 13727 Alondra Boulevard, La Mirada, Calif. 90638. Applicant's representative: Donald Mur­chison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, motor vehicles and livestock), between points within an area bounded by counties in the territory served by the operation of California Highways 118 and 27, and extending over California Highway 118 to Junction California Highway 7, thence over California Highway 7 to Junction U.S. Highway 99 at Pacolet, California, thence along U.S. Highway 99 and Workman Streets to the boundary of the City of San Fernando, thence along the boundary of the City of San Fernando and its prolongation to the boundary of the Angeles National Forest, thence along the boundary of the Angeles National Forest and the San Bernardino National Forest to U.S. Highway 995, thence over U.S. Highway 995 to Junction U.S. Highway 99, thence along a line running on the north side of U.S. Highway 99 to Redlands, thence along an imaginary line to Junction U.S. Highway 995 and 60, thence over U.S. Highway 995 to Junction Cajalco Drive, thence over U.S. Highway 995 to HIGHWAY 395 to Junction Cajalco Road, thence over Mockingbird Canyon Road and Van Buren Street to Junction California Highway 18, thence over California Highway 18 and U.S. Highway 91 to Junction California Highway 85, thence over California Highway 56 to the Pacific coastline, thence along the Pacific coastline to a point directly south of Junction Alternate U.S. Highway 101 and California Highway 27, thence over California Highway 27 to the point of beginning, on the one hand, and, on the other, (a) all points located on Interstate Highway 5, thence over U.S. Highway 101, thence over Interstate Highway 101, to and including Paso Robles, Calif., (b) all points located on California Highway 14 between its junction with Interstate Highway 5 and Mojave, Calif., and (c) all points located in Figure 2, fifteen (15) miles of the routes and territory described above.

NOTE.—The purposes of this republication are: (1) To indicate the request for authority in (a) through (c) above; (2) to indicate applicant's tackling possibilities; and (3) to correct the conversion notice of the previous publication. The primary purpose of this application is to convert the authority granted by the California Public Utilities Commission in Decision No. 81399, dated May 15, 1973, and published in the Federal Register under date of May 30, 1973, to a Certificate of Public Convenience and Nec­essity. Applicant states that the requested authority can be tackled with its existing authority in Sub-No. 3 at points in the territory described herein to provide a service between points south of the Los Angeles Basin area and the points proposed to be served herein. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 99776 (Sub-No. 13), filed July 6, 1967. Applicant: BUCKER TRUCKING, INC., P.O. Box 23234, Houston, Tex. 77028. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Roofing and roofing materials, from the point of origin of Bird & Scn., Inc., at Shreveport, La., to points in Alabama, Arkansas, Florida, Kansas, Kentucky, Mississipi, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 99780 (Sub-No. 22), filed October 9, 1973. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N. Bond St., Peoria, Ill. 61603. Applicant's representative: John R. Zang (same ad­dress as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Frozen prepared meals, bakery goods, trays, eating utensils, freezers, ovens, and other items used in the preparation and sale of prepared meals, from the point of origin of the Celotex Corporation, located in Marion, Ill., to various points in the United States.

NOTE.—Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago or Minneapolis.

No. MC 100449 (Sub-No. 36), filed October 15, 1973. Applicant: MALLINGER TRUCK LINE, INC., P. O. Box 4, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hub­bell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, and articles dis­tributed by meat packinghouses, as de­scribed in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209 and 798, from Amarillo, Tex., to points in Illi­nois, Iowa, Kansas, Missouri, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, and Wisconsin, restricted to traffic originating at the plantsite and facilities utilized by John Morrell and Co., at Amarillo, Texas.

NOTE.—Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100666 (Sub-No. 251) (AMENDMENT), filed October 1, 1973, published in the FR issue of November 23, 1973, and republished, as amended, this issue. Applicant: MEL­TON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilbourn L. Williamson, 280 National Foundation Life, 3635 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Composition board, and materials and supplies used in the distribution and installation thereof (except in bulk), from the facilities of The Celotex Corp., located in Marion, 111., to points in Arkansa, Missouri, Montana, and Wyoming, if a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.
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authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Shreveport, La.

No. MC 106666 (Sub-No. 254), filed October 18, 1973, Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 236 National Foundation Life Building, 3335 NW 10th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Gypsum and gypsum products, in bulk, in tank vehicles, and building parts, from the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, III., to points in the United States (except Alaska, Hawaii, and Illinois), and to Humboldt, Nebr.

Note.—Common control was approved in Docket No. MC-F-10057, filed October 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: H. R. Borsheimer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, building panels, building parts, and materials, in connection with the installation, erection and construction of buildings, building panels and building parts, from the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, Ill., to points in the United States (except Alaska, Hawaii, and Illinois), and damaged, rejected, or returned shipments of the above commodities from said destination states, to the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, III.

Note.—Common control was approved in Docket No. MC-F-10057, filed November 15, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Chester A. Zylstra, 236 National Foundation Life Building, 3335 NW 10th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Gypsum and gypsum products, in bulk, in tank vehicles, and building parts, from the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, III., to points in the United States (except Alaska, Hawaii, and Illinois), and to Humboldt, Nebr.

Note.—Common control was approved in Docket No. MC-F-10057, filed October 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Pat C. Borgmeier (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over abnormal routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring the use of special equipment), serving the Holiday Industrial Res from located in DeSoto County, Miss., as an off-route point in connection with carrier's regular route authority between Greenville, S.C., and Memphis, Tenn., as authorized in MC 105457, filed October 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borgmeier (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring the use of special equipment), serving the Holiday Industrial Res from located in DeSoto County, Miss., as an off-route point in connection with carrier's regular route authority between Greenville, S.C., and Memphis, Tenn., as authorized in MC 105457, filed October 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borgmeier (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring the use of special equipment), serving the Holiday Industrial Res from located in DeSoto County, Miss., as an off-route point in connection with carrier's regular route authority between Greenville, S.C., and Memphis, Tenn., as authorized in MC 105457, filed October 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borgmeier (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Gypsum and gypsum products, in bulk, in tank vehicles, and building parts, from the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, III., to points in the United States (except Alaska, Hawaii, and Illinois), and damaged, rejected, or returned shipments of the above commodities from said destination states, to the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, III.

Note.—Common control was approved in Docket No. MC-F-10057, filed October 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borgmeier (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Gypsum and gypsum products, in bulk, in tank vehicles, and building parts, from the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, III., to points in the United States (except Alaska, Hawaii, and Illinois), and damaged, rejected, or returned shipments of the above commodities from said destination states, to the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, III.

Note.—Common control was approved in Docket No. MC-F-10057, filed October 19, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borgmeier (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Gypsum and gypsum products, in bulk, in tank vehicles, and building parts, from the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, III., to points in the United States (except Alaska, Hawaii, and Illinois), and damaged, rejected, or returned shipments of the above commodities from said destination states, to the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, III.
and construction materials, and related materials, supplies and accessories incidental thereto (except commodities in bulk), between points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, Wisconsin, and the plantsite and warehouse facilities of the Celotex Corp., located at points in Marion County, S.C., in nonradioactive road tank vehicles, to the transportation of shipments originating at or destined to points in the above-named States.

Note.—The purpose of this republication is to clarify applicants' requests to perform a nonradioactive road service such that shipments may originate at any point in this territory and be destined to any other point in this territory. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 107295 (Sub-No. 677), filed October 15, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephen­son (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, building panels, and related materials, accessories, and supplies used in connection with the installation, erection, and construction of buildings, building panels, and building parts, from the plantsite and storage facilities of Butler Manufacturing Company at Birmingham, Ala., to points in the United States (except Alaska, Hawaii, and Alabama), and damaged, rejected, and returned shipments of the above-described commodities, from the destination territory named above, to the plantsite and storage facilities of Butler Manufacturing Company at Birmingham, Ala.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 107315 (Sub-No. 879), filed October 23, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30090. Applicant's representative: R. Edward Woll­cott, 1806 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Electrical distribution equipment, electric heaters, and parts for electrical distribution equipment from the plantsite, Liberty, S.C., to points in Texas and California, restricted against the transportation of commodities which because of size or weight require the use of special equipment.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108449 (Sub-No. 361), filed October 9, 1973. Applicant: INDIAN­HEAD TRUCK LINE, INC., 1947 West Columbus Road, Columbus, Ohio 43211. Applicant's representative: W. A. Mylen­beek (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products; in bulk, from Mankato, Minn., to points in South Dakota.

Note.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 108589 (Sub-No. 255), filed October 11, 1973. Applicant: W. S. HATCH CO., a Corporation, 643 South 300 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Acids and chemicals, liquid, and in bulk, from points in Arizona, to points in California, Nevada, and Utah.

Note.—Applicant states that the requested authority can be tacked with its existing authority (1) on acids and chemicals, liquid, in bulk; in Sub-No. 26 (a) at points in Utah to serve points in New Mexico, Montana, Wyoming, and Nevada; (b) at points in California to serve Glenn, Mont., and points in Colorado; (c) at points in Nevada to serve Glenn, Mont., and points in Colorado, Utah, and Arizona; and (d) on chemicals, liquid, in bulk, from points in Arizona to serve points in California, Nevada, and Utah.

No. MC 108720 (Sub-No. 374), filed October 15, 1973. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) from the plant site and warehouse facilities of Kraft Foods at or near Springfield, Mo., to points in New Mexico, Arizona, and California, restricted to traffic originating at points in the named origin, and destined to points in the named destination states.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.
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Electric Co., Oklahoma City, Okla., to Southern California Chemical Co., Garland, Tex.

Note.—Applicant states that the requested authority cannot be granted without its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.


Note.—Common control was approved in MC-P-10240. Applicant states that the requested authority cannot be granted without its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, III.

No. MC 110663 (Sub-No. 117), filed October 18, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant’s representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned, frozen and fresh mushrooms, from the named origin points.

No. MC 111729 (Sub-No. 405), filed October 18, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant’s representative: Russell S. Bernhard, 1625 K 20-006 6648 1-.

Street NW., Washington, D.C. 20433. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Business papers, records, audit, and accounting media of all kinds, and advertising material of all kinds, moving therewith, (a) between Pittsburgh, Pa., on the one hand, and, on the other, Beltsville, Buffalo, Hor­nell, Lakewood, Niagara, Olean, Roch­ester, and Victor, N.Y.; and Charleston, Huntington, and Williamson, W. Va.; (b) between Toledo, Ohio, on the one hand, and, on the other, Angola, An­chorage, Port Wayne, and Warsaw, Ind.; and Adrian, Albion, Battle Creek, Coldwater, Hillsdale, Jackson, Marshall, Monroe, Morenci, Sturgis, Tecumseh, and Union City, Mich.; (c) between Paramus, N.J., and York, Pa.; (d) between Red Lion, Pa., on the one hand, and, on the other, Jersey City, South Hackensack, and Rutherford, N.J.; Columbus, Ohio; Springfield and Canton, Mass.; and New Orleans, La., to points in New York, N.Y., Commercial Zone as defined in the Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the provisions of Section 203 (b) (8) of the Act (the "exempt") zone; (e) between Nashville, Tenn., on the one hand, and, on the other, Bythe­ville, Ark.; Chicago, Ill.; Bedford, Bloom­ington, and Indianapolis, Ind.; and New­Albany, Ind.; Corinth, Clarksville, and Oxford, Miss.; Sikeston, Mo.; Cincinnati, Columbus, and Springfield, Ohio; and points in Kentucky; and (f) between Eureka, Ill., on the one hand, and, on the other, points in Ohio located on or west of Interstate Highway 75; and (2) cutting dies and small parts, between Red Lion, Pa., on the one hand, and, on the other, points in Indiana, Kentucky, and Michigan, restricted, to traffic originating at the named origin points.

Note.—Applicant presently has motor con­tract carrier authority in MC 112760 and sub therewith, under additional operations may be involved. Common control may also be involved. Applicant states that the requested authority can be granted with its existing authority as follows: for la in Sub-Nos. 138, 199, 172, 182, 196, 208, 216, 236, and 266 at Pitts­бурgh, Pa., to provide service between those points in Ohio named above, on the one hand, and, on the other, points in West Virginia, on the one hand, and, on the other, New Haven, Conn.; for le in Sub-Nos. 158, 162, 166, and 201 to Rochester, N.Y., to provide service between Pittsburgh, Pa., on the one hand, and, on the other, names in Middlesex County, Mass.; and in Sub-No. 299 at Charles­ton and Huntington, W. Va., to provide service between Pittsburgh, Pa., on the one hand, and, on the other, points in Beauce County, Pa.; for lb at Toledo, Ohio (1) in Sub-Nos. 146 and 216 to provide service between the destination points named in lb above, on the one hand, and, on the other, Pittsburgh and Boyers, Pa., and (2) in Sub-No. 250, 276, and 309 at those points in Indiana named in lb above, on the one hand, and, on the other, Detroit, Flint, Ann Arbor, and Jackson, Mich.; for lb in Sub-Nos. 135, 331, and 393 at those Indiana points named in lb above to provide service to Toledo, Ohio, on the one hand, and, on the other, Chicago, Indianapolis, and Grove Village, Ill., for le in Sub-Nos. 164, 172, 178, 266, and 302 at York, Pa., to provide service to Par­manus, N.J., and York, Pa., and to the other, Baltimore, Md., Alexandria, Va., and points in Ohio; and in Sub-No. 268, 247, 238, and 232 to provide service between York, Pa., on the one hand, and, on the other, points in New York and Middlesex County, Mass.; for ld in Sub-Nos. 164, 172, 178, 266, and 302 at Red Lion, Pa., to pro­vide service between (1) Columbus, Ohio, on the one hand, and, on the other, Cleveland, and Orange, N.J., and Baltimore, Md., and (2) those points in New York, New Jersey, and Massachusetts named in lb above, on the one hand, and, on the other, Baltimore, Md., and points in Ohio; in Sub-Nos. 31, 38, 80, 110, 127, 101, 183, 188, 260, 251, 243, 247, 258, 260, 300, 301, 302, 303, 304, 305, and 306 at New York, New Jersey, and Massachusetts named in lb above. In Sub-No. 234—Pt. I—5

Applicant states that the requested author­ity cannot be granted without its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 111181 (Sub-No. 500), filed October 18, 1973. Applicant: MIDWEST TRANSPORT COMPANY, a Corporation, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant’s representative: Earl Hel­ling, 503 11th Avenue South, Minneapolis, Minn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Landscape rock, in bags and in bulk, from the upper Peninsula of Michigan, to points in Iowa, Illinois, Ohio.
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Minnesota, Wisconsin, North Dakota, and South Dakota.

Note.—Applicant states that the requested authority cannot be  
tacked with its existing authority. If a hearing is deemed necessary,  
applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 112304 (Sub-No. 72), filed October 17, 1973. Applicant:  
ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Chillicothe, Ohio 45622. Applicant's representative: John P. McMahon, 100 East Broadway, Muncie, Ind. 47303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, building panels, building parts, and materials, accessories and supplies used in connection with the installation, erection, and construction of buildings, building panels, and building parts, from the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, Ill., to points in the United States (except Alaska, Hawaii, and Illinois), and damaged, rejected, or returned shipments of the above commodities from said destination states, to the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, Ill.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 112304 (Sub-No. 73), filed October 17, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Chillicothe, Ohio 45622. Applicant's representative: John P. McMahon, 100 East Broadway, Muncie, Ind. 47303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Buildings, building panels, building parts, and materials, accessories and supplies used in connection with the installation, erection, and construction of buildings, building panels, and building parts, from the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, Ill., to points in the United States (except Alaska, Hawaii, and Illinois), and (2) damaged, rejected, or returned shipments of the above commodities from said destination states, to the plantsite and storage facilities of Butler Manufacturing Company at Galesburg, Ill.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 112304 (Sub-No. 74) filed October 17, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74032. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pizza ingredients, from Wichita and Hutchinson, Kansas, and Peoria, Ill., to points in Georgia, Illinois, Florida, Kansas, and Texas.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 112302 (Sub-No. 300), filed October 19, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74032. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except commodities in bulk), from Champaign, Ill., to points in California, Montana, South Dakota, and North Dakota, restricted to traffic originating at the plantsite and storage facilities of Kraft Foods located at or near Champaign, Ill.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 112305 (Sub-No. 7), filed October 5, 1973. Applicant: RALPH C. ISLAND, doing business as ISLAND FREIGHT, Box 147, Deadwood, S. Dak. 57732. Applicant's representative: A. Miller Evans, Box 1286, Rapid City, S.D. 57710. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Flour, feed, and feed ingredients, dry, in bulk or in bags, from the plantsite of Hubbard Milling Company located at or near Mankato, Minn., to the plantsite of its branch plant also known as Hubbard Milling Company located at Rapid City, S.D., under a continuing contract or contracts with Hubbard Milling Company.

Note.—If a hearing is deemed necessary, applicant requests it be held at Rapid City, S.D., or Mankato, Minn.

No. MC 112351 (Sub-No. 164), filed October 17, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraft Foods at or near Springfield, Mo., to points in California, Colorado, Idaho, New Mexico, Oregon, and Washington.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 112351 (Sub-No. 165), filed October 17, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Candy, confectionery, and related items, and premium and advertising material with moving with the above-named commodities, from Freehold, N.J., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Missouri, Kansas, Nebraska, Colorado, New Mexico, Arizona, Nevada, Kentucky, Oklahoma, Utah, California, Oregon, Washington, and Iowa.

Note.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Denver, Colo.; or Newark, N.J.

No. MC 113676 (Sub-No. 530), filed October 15, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cookies, crackers, bakery products, and snack foods, from the plantsites of Midwest Biscuit Company at or near Burlington, Iowa, to points in Nebraska, Kansas, Colorado, Utah, Nevada, California, New Mexico, Arizona, Oregon, and Washington.

Note.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Chicago, Ill., or Denver, Colo.

No. MC 113676 (Sub-No. 531), filed October 15, 1973. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs from...
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KANSAS CITY, MO., to points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, North Dakota, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, and the District of Columbia, not restricted to traffic originating at and destined to those locations named.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.; Denver, Colo.; or Omaha, Nebr.


NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. HEARING: January 9, 1974, at 9:00 A.M. United States Standard Time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 114457 (Sub-No. 179), filed October 12, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 760 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foodstuffs, from Buffalo, N.Y., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or St. Paul, Minn.

No. MC 114800 (Sub-No. 11), filed October 18, 1973. Applicant: PUROLA SECURITY, INC., 1341 West Mockingbird Lane, Dallas, Tex. 75201. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Silvertbullion, from West Point and New York, N.Y., to points in the Chicago, Ill., Commercial Zone under a continuing contract or contracts with General Services Administration.

NOTE.—Common control was approved in MC-No. 116668 and MC-No. 119690. Dual or multiple operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 352), filed October 15, 1973. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in packages; from St. Louis, Mo., to points in Tennessee, Kentucky, Alabama, and Mississippi; (2) molten beverages, from Milwaukee, Wis., to Rolla, Mo.; and (3) vermil and vermiculite, in bags, and polystyrene boards, in boxes and bags, from St. Louis, Mo., to points in Illinois.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115965 (Sub-No. 27), filed October 15, 1973. Applicant: SCARI'S DELIVERY SERVICE, INC., P.O. Box 2627, Wilmington, Del. 19890. Applicant's representative: Francis P. Desmond, 115 East Main Street, Westville, N.J. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, in shipments having a prior or subsequent movement via railroad, on-flat-car service, between Alexandria, Va., on the one hand, and, on the other, points in Cecil, Harford, and Baltimore Counties, Md., and points in Delaware.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.


NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. In Sub-No. 29 at Fort Worth, Tex., to serve points in Iowa, Michigan, and Minnesota; in Sub-No. 45 at East Dubuque, Ill., to serve points in Iowa, Kansas, Michigan, Nebraska, South Dakota, and Minnesota; in Sub-No. 61 at Nioa, Ill., to serve points in Iowa, Kansas, Michigan, Nebraska, South Dakota, and Minnesota; in Sub-No. 92 at Rolla, Mo., to serve points in Iowa, Minnesota, Missouri, Nebraska, and South Dakota; in Sub-No. 104 at Frankfort, Ill., to serve points in Georgia, Michigan, Minnesota, and Tennessee (except commodities in bulk); in Sub-No. 114 at Houston, Tex., to serve points in Alabama, Arkansas, Colorado, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, West Virginia, and Wyoming; and those in Tennessee west of U.S. Highway 27. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116544 (Sub-No. 148), filed October 15, 1973. Applicant: WILSON BROTHERS TRUCK LINES, INC., 700 East Fairview Avenue, P.O. Box 569, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Cuts and prides, and (2) cutting oil, rust preventive compounds, soluble oils, metal working petroleum oils, and water based metal working lubricant, in bulk, in tank vehicles, from Carthage, Mo., to serve points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. In Sub-No. 29 at Fort Worth, Tex., to serve points in Iowa, Michigan, and Minnesota; in Sub-No. 45 at East Dubuque, Ill., to serve points in Iowa, Kansas, Michigan, Nebraska, South Dakota, and Minnesota; in Sub-No. 61 at Nioa, Ill., to serve points in Iowa, Kansas, Michigan, Nebraska, South Dakota, and Minnesota; in Sub-No. 92 at Rolla, Mo., to serve points in Iowa, Minnesota, Missouri, Nebraska, and South Dakota; in Sub-No. 104 at Frankfort, Ill., to serve points in Georgia, Michigan, Minnesota, and Tennessee (except commodities in bulk); in Sub-No. 114 at Houston, Tex., to serve points in Alabama, Arkansas, Colorado, Georgia, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, West Virginia, and Wyoming; and those in Tennessee west of U.S. Highway 27. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.
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South Carolina, and Tennessee, restricted to the shipments originating at the facilities of John Morrell and Co.

Note.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Amarillo, Tex.

No. MC 116698 (Sub-No. 10) (AMENDMENT), filed July 6, 1973, published in the Federal Register of October 26, 1973, and reprinted as amended this issue. Applicant: BILL G. CARR and PHILLIS R. CARR, a Partnership, doing business as ARROWHEAD TRANSPORTATION, 103 Moore Lane, Billings, Mont. 59102. Applicant's representative: Jerome Anderson, 100 Transwestern Building, Billings, Mont. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk (requiring special equipment), between Billings and Laurel, Mont.: From Billings over Interstate Highway 90 and/or U.S. Highway 10 to Laurel, and return over the same route, for the purposes of loading only, serving no intermediate or off-route points.

Note.—The purpose of this republication is to indicate that applicant seeks two-way movement of goods originating or terminating in Mont. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 116725 (Sub-No. 20), filed October 17, 1973. Applicant: INDIAN VALLEY ENTERPRISES, INC., 855 Valley Road, Camp Hill, Pa. 17011. Applicant's representative: John W. Valley Enterprises, INC., 855 Valley Road, Camp Hill, Pa. 17011. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk (requiring special equipment), between Billings and Laurel, Mont.: From Billings over Interstate Highway 90 and/or U.S. Highway 10 to Laurel, and return over the same route, for the purposes of loading only, serving no intermediate or off-route points.

Note.—The purpose of this republication is to indicate that applicant seeks two-way movement of goods originating or terminating in Mont. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 117119 (Sub-No. 489), filed October 18, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Toledo, Ohio, to points in California, Oregon, Washington, New Mexico, Utah, Arizona, Idaho, Nevada, Colorado, Minnesota, Wisconsin, Michigan, and New Jersey.

Note.—Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Memphis, Tenn.

No. MC 117322 (Sub-No. 10), filed October 15, 1973. Applicant: LESTER NORTON, 106 N. Burton Ave., CHAIN FIELD TRUCKING, Chatfield, Minn. 55923. Applicant's representative: Andrew R. Clark, 1600 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from the facilities of Kitchens of Sara Lee at Deerfield, Ill., to points in Wisconsin and Minnesota. Authority requested it be held at Chicago, Ill., to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Arkansas, Florida, Georgia, Oklahoma, New Mexico, Ohio, South Dakota, and Wisconsin.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 117686 (Sub-No. 144), filed October 18, 1973. Applicant: HIRSCH-BACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach, 309 Baderow Blvd., Sioux City, Iowa 51101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, meat, meat by-products, and articles distributed by meat packhouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota, restricted to the shipments originating at plantsite and facilities utilized by John Morrell & Co.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117940 (Sub-No. 100), filed October 18, 1973. Applicant: NATION­WIDE CARRIERS, INC., P.O. Box 194, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat by-products, and articles distributed by meat packhouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, restricted to shipments originating at plantsite and facilities utilized by John Morrell & Co. located at or near Amarillo, Tex.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 118202 (Sub-No. 25), filed October 17, 1973. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge St., P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Eugene A. Schultz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen potatoes and potato products (except bulk commodities shipped in tank vehicles), from Clark, S. Dak., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Kansas, Louisiana, Maryland, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and the District of Columbia, restricted to the plantsite and facilities utilized by Midwest Food Corporation, at Clark, S. Dak.

Note.—Applicant holds contract carrier authority in MC 134681 (Sub-No. 4) and associated thereunder; therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 118288 (Sub-No. 44), filed October 9, 1973. Applicant: STEPHEN F. FROST, 14750 Boyle Ave., Fentauna, Calif. 92335. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products (except in bulk in tank vehicles), from Toledo, Ohio, to points in
the United States (except Alaska and Hawaii), and on west of U.S. Highway 85.

Note.—Common control may be involved.

Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 118610 (Sub-No. 17), filed October 23, 1973. Applicant: L & B EXPRESS PRESS, INC., P.O. Box 137, Madisonville, Ky., represents: Donald W. Smith, Indiana National Bank Tower, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum and aluminum products, and equipment, materials, and supplies used in the manufacture and processing of aluminum and aluminum products (except commodities in bulk), between the facilities of Martin Marietta Aluminum, Inc., located at or near Lewisport, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, and Ohio.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky., or Louisville, Ky., Memphis, Tenn., or Cincinnati, Ohio.

No. MC 119522 (Sub-No. 26), filed October 23, 1973. Applicant: TRUCKING CO., INC., 2502 West How­ard Street, Fresno, Calif. 93712. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass containers from Milwau­kee, Wis., and points in Kentucky, and (2) return ship­ments of glass containers from Milwau­kee, Wis., and points in Kentucky, to Lapel, Ind.

Note.—Applicant holds contract carrier au­thority in MC 348865 Sub No. 39, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119632 (Sub-No. 57), filed October 15, 1973. Applicant: REED LINES, INC., 634 Ralston Avenue, De­cance, Ohio 43212. Applicant’s repre­sentative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except frozen foods and commodities in bulk), from Desatur, Ind., to points in Illinois, Iowa, Kentucky, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsyl­vania, Virginia, West Virginia, and the District of Columbia.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Washington, D.C., or Chicago, Ill.


Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119726 (Sub-No. 36), filed September 21, 1973. Applicant: N. A. B. TRUCKING CO., INC., 2502 West How­ard Street, Indianapolis, Ind. 46221. Applicant’s repre­sentative: James L. Beat­ley, 130 E. Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Mineral wool, mineral wool products, insulating material and insul­ated air duct, from the plant site of Cer­tain-teed Products Corp., Kansas City, Kansas, to points in Pike, Scott, Morgan, Sangamon, Macou, Piatt, Champaign, and Vermillion Counties, Ill., and all counties in Illinois south thereof.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kansas, or Indianapolis, Ind.

No. MC 120389 (Sub-No. 3), filed October 19, 1973. Applicant: SHANE TRANSPORTATION SYSTEM, INC., 707 Jefferson Avenue, Racine, Wis. 53401. Applicant’s repre­sentative: Paul C. Gartke, 121 W. Doty Street, Madison, Wis. 53706. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Agricultural machinery, implements (other than hand), from La­Porte, Ind., to points in Wisconsin, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Louisiana, Missis­ippi, Montana, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Texas, Utah, Wash­ington, Wyoming, District of Columbia, and Virginia (except points in that part of Virginia north of U.S. Highway 480 and west of U.S. Highway 301).

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C.

No. MC 120398 (Sub-No. 282), filed October 15, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant’s repre­sentative: Paul C. Gartke, 121 W. Doty Street, Madison, Wis. 53706. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Agricultural machinery, implements (other than hand), from La­Porte, Ind., to points in Wisconsin, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Louisiana, Missis­ippi, Montana, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Texas, Utah, Wash­ington, Wyoming, District of Columbia, and Virginia (except points in that part of Virginia north of U.S. Highway 480 and west of U.S. Highway 301).

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C.
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vehicle, over irregular routes, transporting: (1) Agricultural implements and doods, (2) doods except as described in (1) above, and (3) parts for (1) and (2) above, from Tucson City, Miss., to points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Note.—Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.


Note.—Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Salt Lake City, Utah.

No. MC 132210 (Sub-No. 12), filed September 28, 1973. Applicant: HUNTING TRUCKING INC., P.O. Box 2070, Idaho Falls, Idaho 83401. Applicant's representative: P. L. Siglow, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a "common carrier, by motor vehicle, over irregular routes, transporting: (1) Lumber and lumber mill products, including plywood and built-up woods, and (2) composition board, from points in Montana west of U.S. Highway 91, and points in Boundary, Bonner, Kootenai, Shoshone, Benewah, Custer, Lemhi, Butte, Fremont, and Madison Counties, Idaho, to points in Montana.

Note.—Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Salt Lake City, Utah.

No. MC 123931 (Sub-No. 7), filed October 18, 1973. Applicant: MACHISE INTERNATIONAL TRANSPORTATION CO., 46 Orange Street, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products (except chemicals), in bulk, from Swann Terminal in Philadelphia, Pa., to points in Delaware.

Note.—Common control may be involved. Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124144 (Sub-No. 8), filed October 11, 1973. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING COMPANY, 1516 South George Street, York, Pa. 17405.

Applicant's representative: Charles E. Cregser, P.O. Box 1417, Hagerstown, Md. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Foodstuffs, food treating compounds, chemicals, and additives, in vehicles equipped with refrigeration, and (2) commodities, the transportation of which is exempt or partially exempt from regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act, in freight loads with the commodities described in (1) above, from Baltimore, Md., to points in Texas and Louisiana, under contract with McCormick & Co.

Note.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124236 (Sub-No. 80), filed October 15, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simon Building, Dallas, Tex. 75201. Applicant's representative: Leroy Homan, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry ice, dry ice ice CA, in bulk, from Dallas, Tex., to Wrens, Ga.

Note.—Common control may be involved. Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 124236 (Sub-No. 61), filed October 15, 1973. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simon Building, Dallas, Tex. 75201. Applicant's representative: Leroy Homan, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry silca moulding sand and dry resin coated molding sand, from Mill Creek, Okla., to Amarillo, Tex.

Note.—Common control may be involved. Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 124474 (Sub-No. 88), filed October 12, 1973. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Cedar Rapids, Iowa 52401. Applicant's representative: Clifford J. Fullman (same address as applicant). Authority sought to operate as a "common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 81 M.C.C. 209 and 760 (except hides and commodities in bulk in tank vehicles), from the plantsite of Madison Foods, Inc., Madison, Nebr., to points in Commerce Zones and as defined by the Commission, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above named plantlocation and destined to the above named states.

Note.—Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124821 (Sub-No. 12), filed October 15, 1973. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, Pa. 18518. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Books, and booklets, or pamphlets, from Forge Village, Clinton, and Pympton, Mass.; Brattleboro, Vt.; Saddlebrook, N.J.; Binghamton, N.Y., points in the New York, N.Y. Commercial Zone as defined by the Commission, and Scranton and Dallas, Pa., to Troy, Mo.

Note.—Common control may be involved. Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 124886 (Sub-No. 4), filed August 13, 1973. Applicant: WILLIAM S. WINDBORNE, 1130 Capital Club Building, Raleigh, N.C. 27601. Applicant's representative: Vaughan S. Windborne, 1130 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a "common carrier, by motor vehicle, over irregular routes, transporting: (1) Peanuts, processed, including roasted, blanched, and boiled, from Edenton, Pendleton, Robertsville, and booklets, or pamphlets, or pamphlets, from Forge Village, Clinton, and Pympton, Mass.; Brattleboro, Vt.; Saddlebrook, N.J.; Binghamton, Mass., or New York, N.Y. Commercial Zone as defined by the Commission, and Scranton and Dallas, Pa., to Troy, Mo.

Note.—Common control may be involved. Applicant states that the requested authority cannot be tackled with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.
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M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site of Madison Foods, Inc., Madison, Nebr., to points in Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Washington, West Virginia, Virginia, Washington, West Virginia, and Wyoming, restricted to the transportation of traffic originating at the above named plant sites and destined to the above named states.

M.C.C. 209 and 766, from Amarillo, Texas, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia, restricted to shipments originating at the plant sites and facilities utilized by John Morrell & Co.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Iron and steel articles, from Buffalo and Lackawanna, N.Y.; Sparrows Point, Md.; Johnstown, Bethlehem, and Sharon, Pa., points in Allegheny County, Pa.; Chicago and Sterling Heights, Mich.; Chicago, Ill.; Kokomo, Ind.; Weirton, W. Va.; Detroit, Mich.; and Roanoke, Va., to Akron, Ohio, and (2) Iron and steel articles, and fabricated, processed, and structural steel, from Pittsburgh, Pa., to points in Pennsylvania, Indiana, Illinois, West Virginia, and Michigan, under continuing contract with Summit Steel Corporation, located at Akron, Ohio.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio, or Washington, D.C.

Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Bituminous fibre pipe and conduit, plastic pipe and products, fibre vault, and accessories used in connection with said products, from West Bend, Wis., to points in Illinois, Indiana, Kansas, Missouri, Iowa, and Minnesota; and (2) Raw materials, products, and parts used in the manufacture of the commodities named in (1) above, from the destination territory described in (1) above, to West Bend, Wis., under a continuing contract or contracts with McGraw-Edison Co.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by-products, and articles distributed by meat packhouses, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certificates," 61
and storage facilities of Kal Kan Foods, Inc., located at or near Columbus, Ohio, to points in Utah, Colorado, California, and those in Colorado west of U.S. Highway 85.

Note.—Applicant states that the requested authority cannot be granted at Seattle, Wash., to serve points in Wyoming. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128875 (Sub-No. 139), filed Octo­ber 15, 1973. Applicant: CRETE TRANSPORT, INC., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's repre­sentative: Ken Adams (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Materials and supplies used in the production and distribution of animal food, and animal food (except in bulk and meat or meat byproducts), between Dubu­rue, Camp Hill, and Allentown, Pa., on the one hand, and, on the other, points in Wisconsin, Illinois, Minnesota, Indiana, Michigan, Ohio, Kentucky, Tennessee, Arkansas, West Virginia, and Virginia; and (2) materials and supplies used in the production of animal food, and ani­mal food (except in bulk), between Ne­brask on the one hand, and, on the other, points in West Virginia. Connecticut, District of Columbia, Rhode Island, Massachusetts, New Hampshire, Ver­mont, New Jersey, and Maine; and (3) materials and supplies used in the production and distribution of food products, lumber, lumber products, chipboard, and particle board, from Point by Point in Pasco, Pinellas, Polk, Hillsborough, Manatee, Sarasota, Charlotte, Lee, and Collier Counties, Fla., restricted to traffic having a prior or subsequent handling by freight forwarders; and (2) general commodities except those of unusual value, Classes A and B explosives, live­stock, and household goods as described by the Commission), commodities in bulk and those requiring special equip­ment, between points in Pasco, Pinellas, Polk, Hillsborough, Manatee, Sarasota, Charlotte, Lee, and Collier Counties, Fla., restricted to traffic having a prior or subsequent handling by freight forwarders.

Note.—Applicant states that the requested authority cannot be granted at its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Wash.

No. MC 129193 (Sub-No. 3), filed October 18, 1973. Applicant: HARRISON TRANSPORT, INC., 3350 Adamo Drive, P.O. Box 5895, Tampa, Fla. 33605. Ap­plicant's representative: Richard B. Aus­tin, 2184 West New Orleans Street, N.W., Washington, D.C. 20005. Authority sought to operate as a com­mon carrier, by motor vehicle, over biregular routes, transporting: (1) meats, meat products, meat by-products, and stored meat, between points in Spokane, Whitman, and Asotin Counties, Wash., and Nez Perce, Latah, Benewah, Kootenai, Bonner, and Lincoln Counties, Idaho, under con­tract with the Federal Reserve Bank of California, Portland Branch; restricted to a transportation service to be per­formed under a continuing contract or contracts with banks and banking institutions.

Note.—Common control may be involved.

If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

Note.—Applicant states that the requested authority cannot be granted at its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 129282 (Sub-No. 19), filed Oc­tober 22, 1973. Applicant: FRED BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Alcoholic beverages (except in bulk), from points in New Mexico, Texas, Oklahoma, Arkansas, and Louisiana; and (2) from points in Pennsylvania, to points in Oklahoma, Arkansas, Louisiana, and those in Texas east of U.S. Highway 377.

Note.—Applicant holds contract carrier authority in No. 127849 and Subs 2 and 4, therefore dual operations may be involved. Applicant states that the requested authority cannot be granted at its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Bil­lings, Mont.

No. MC 129205 (Sub-No. 48), filed October 16, 1973. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Eufaula, Tex. 76039. Applicant's representative: Hugh T. Mathews, 630 Bell Building, Union Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alcoholic beverages (except in bulk), (1) from points in New Mexico, Texas, Oklahoma, Arkansas, and Louisiana, and (2) from points in Pennsylvania, to points in Oklahoma, Arkansas, Louisiana, and those in Texas east of U.S. Highway 377.

Note.—Applicant holds contract carrier authority in No. 129092, but indicates that dual operations are not involved herein. Applicant states that the requested authority cannot be granted at its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. Oklahoma City, Okla., or Little Rock, Ark.
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articles distributed by meat packing-houses as described in Sections A and C of Appendix 1 to the regulations of the Administrator, F.M.R.T., 1972, entitled "Domestic Livestock Permit Certificates, 61 M.C.C. 209 and 796" (except hides and commodities in bulk), from Amarillo, Tex., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshir, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Illinois, and Indiana, restricted to shipments originating in the respective state and facilities utilized by John Morrell and Company.

Note.—Applicant holds contract carrier authority in MC 136039; therefore, dual operations may be involved. Applicant states that the requested authority cannot be held with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 132106 (Sub-No. 37), filed October 18, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1858, Liberal, Kans. 67901. Applicant’s representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81469, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Switch boxes, outlet boxes, covers, rings, pipe fittings, pipe straps, pipe hangers, and related items utilized in the installation of the foregoing items, from the plant, warehouse, and storage facilities of Bowers, Division of Norris Industries located at or near South Gate, Calif., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, North Dakota, South Dakota, Minnesota, Wisconsin, and Wisconsin, under a continuing contract or contracts with Norris Industries.

Note.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 132323 (Sub-No. 25), filed October 17, 1973. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 803 32d Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant’s representative: William D. Traub, 10 East 40th St., New York, N.Y. 10016. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Lumber, (1) from Afton, Wyo., to points in Indiana, Oklahoma, Texas, and Wisconsin; and (2) from Evanston, Wyo., to points in Arkansas, Indiana, Kansas, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin, under a continuing contract or contracts with Starwood Inc., Utah.

Note.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133390 (Sub-No. 4), filed October 10, 1973. Applicant: HALVOR LINES, INC., 510 College Building, Duluth, Minn. 55802. Applicant’s representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Snowmobiles and snowsport and trailers, and parts, supplies, accessories, and advertising and promotional materials for snowmobiles and trailers; and crawler tractors and snowmobiles and trailers, and parts, supplies, accessories, and advertising and promotional materials for snowmobiles and trailers, and crawler tractors, snowmobiles, and trailers, and parts, supplies, accessories, and advertising and promotional materials for snowmobiles and trailers, from points of entry on the International Boundary line between the United States and Canada; Boundary line adjacent to the Provinces of Ontario and Quebec, Canada, and Duluth, Minn., Idaho Falls, Idaho, to points in Minnesota, Michigan, Wisconsin, and Michigan, Wisconsin, and Wisconsin, under a continuing contract or contracts with Norris Industries.

Note.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 133332 (Sub-No. 8), filed October 17, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant’s representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Non fat dry milk, chocolate milk, cream substitutes, dry or liquid; benners and decoration, milk and cocoa compound, dry; shortening, powdered; pudding; desert toppings; animal food, from Madison, Wisconsin, to points in Michigan, Canada, and Wisconsin, and from Idaho Falls, Idaho, to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and (b) from Idaho Falls, Idaho, to points in Montana, Wyoming, Colorado, and parts of other states. Authority sought, in addition to the foregoing items, to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Switch boxes, outlet boxes, covers, rings, pipe fittings, pipe straps, pipe hangers, and related items utilized in the installation of the foregoing items, from the plant, warehouse, and storage facilities of Bowers, Division of Norris Industries located at or near South Gate, Calif., to points in Oregon, Washington, Idaho, Montana, North Dakota, South Dakota, Minnesota, Wisconsin, and Wisconsin, under a continuing contract or contracts with Norris Industries.

Note.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 43), filed October 17, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant’s representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Non fat dry milk, chocolate milk, cream substitutes, dry or liquid; benners and decoration, milk and cocoa compound, dry; shortening, powdered; pudding; desert toppings; animal food, from Madison, Wisconsin, to points in Michigan, Canada, and Wisconsin, and from Idaho Falls, Idaho, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at plaintiff’s premises in Madison, Madison, Wisconsin, and Wisconsin, and from Idaho Falls, Idaho, to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, and Wyoming, restricted to traffic originating at plaintiff’s premises in Madison, Madison, Wisconsin, and Wisconsin, under a continuing contract or contracts with Norris Industries.

Note.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 134612 (Sub-No. 1), filed October 18, 1973. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant’s representative: Robert H. Levy, 29 South La
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Metal containers, from the site of the plant and facilities of Crown Cork & Seal Company, Inc., at or near Fairbault, Minn., to points in West Virginia, Illinois, Indiana, Missouri, and Ohio.

(13) Metal containers, container components and ends; and steel, tin, and aluminum tops and closures, from Kansas City, Mo., to Racine, Wis., and Milwaukee, Wis.; (14) metal containers, parts and closures, and supplies used in the manufacture and distribution of metal containers, in mixed loads, with metal containers and closures thereof (except commodities in bulk), between the plants of Crown Cork & Seal Co., Inc., at North Bergen, N.J., and Philadelphia, Pa., and Baltimore, Md., to Chicago, Ill., and the plantsite of Crown Cork & Seal Co., Inc., at Cleveland, Ohio, to points in Connecticut, Maryland, Ohio, Pennsylvania, Rhode Island, and Vermont.

Metal containers and metal container components, from the plantsite of Kolmar Products Corporation at Lexington, Ky., to points in Illinois, Kentucky, and Missouri, and to points in the District of Columbia; (19) metal containers, and metal container ends and closures; and (20) metal containers, and metal container components and ends; and (21) metal containers and container components, and (22) metal containers, and metal container components and ends.

Metal containers, from the site of the plant and facilities of Crown Cork & Seal Company, Inc., at or near Fairbault, Minn., to points in West Virginia, Illinois, Indiana, Missouri, and Ohio.

(19) Metal containers, and metal container components and accessories, and metal containers and metal container ends, when moving with metal containers (except commodities in bulk), from the plantsite and warehouse facilities of National Can Corporation at or near Leith-Rock, Ark., thence along U.S. Highway 70 to points in Texas, points in Arkansas (except commodities in bulk), and to points in Iowa (except commodities in bulk), except Kansas City and the commercial zone thereof, as defined by the Commission), and those in Missouri (except points on and north of U.S. Highway 40 including Kansas City and the commercial zone thereof, as defined by the Commission), and those in Missouri (except points on and south of U.S. Highway 40 including Kansas City and St. Louis, Mo., and their commercial zones, as defined by the Commission), and those in Missouri (except points on and south of U.S. Highway 40 including Kansas City and the commercial zone thereof, as defined by the Commission), and those in Missouri (except points on and north of U.S. Highway 40, and their commercial zones, as defined by the Commission).
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tankers, and (4) materials and supplies used in the manufacture and distribution of containers in mixed loads with containers, (a) from Fort Smith, Ark., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Nebraska, Oklahoma, Pennsylvania, Texas, and Wisconsin; (b) from San Antonio, Tex., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, Oklahoma, Pennsylvania, Texas, and Wisconsin; (c) from New Orleans, La., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, and Wisconsin; and (d) from Houston, Tex., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Oklahoma, Pennsylvania, Texas, and Wisconsin; and (e) from Arling­ton, Tex., to points in Alabama, Ar­kansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin; and (f) above restricted to the transportation of traffic originating at the points in Colorado, Florida, Georgia, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin; and (g) above are restricted against the transportation of commodities in bulk, and restricted to the transportation of traffic originating at the point, and warehouse sites of American Can Company located in the above-named origin points, and (h) above further restricted to the transportation of traffic destined to plant and warehouse sites of American Can Company located in the above-described destination States.

27. Nonalcoholic beverages, in con­tainers, from the plantsite of Pepsi-Cola General Bottlers at Danville, Ill., to points in Indiana, Kentucky, and Mis­souri; (20) materials and supplies (ex­cept in bulk, from the plantsite of Kraftco Corporation and its di­vision, Kraft Foods, at Champaign, Ill., to points in those parts of New York, Pennsylvania, and Maryland on and west of Inter­state Highways 10, 20, 88, and 90, and through Indiana, Kentucky, the Lower Peninsula of Michigan, Ohio, and West Virginia; (28) metal containers and metal con­tainer ends, from La Porte, Ind., and Madisonville, Ky., to points in Indiana, North Carolina, Pennsylvania, and West Virginia; (29) metal containers, metal container ends, and closures, from the plantsite of Crown Cork & Seal Co., at Fruitland and Baltimore, Md., Philadelphia, Pa., North Bengal, N.J., Winchester, Va., and Spen­taburg, S.C., to points in Maryland, South Carolina, North Carolina, Georgia, Alabama, Tennessee, Florida, Louisiana, Texas, West Virginia, Virginia, and Arkansas; and (39) closures, from the plantsite of Owens-Illinois, Inc., at Con­oy, Ohio, to points in Arkansas, Ash­ville, N.C., Chambersburg, Pa., and Canoahalle, N.Y.

Note.—The purpose of the instant applica­tion is to convert the contract carrier au­thority previously denied applicant and thereunder to common carrier authority. If a hearing is deemed necessary, applicant re­quests it be held at Chicago, Ill.

No. MC 134724 (Sub-No. 14), filed Oc­tober 11, 1973. Applicant: NATIONAL TRANSPORTATION, INC., Box 31, Nor­folk, Nebr. 68791. Applicant's represent­ative: Lanny F. Paus, P.O. Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transport­ing: Cranberry products (except in bulk), from Kenosha, Wis., to Marsh­field, Wash., and points in Minne­sota, Wisconsin, Iowa, Missouri, and Kansas; or with Ocean Spray Cran­berries, Inc., located at or near Kenosha, Wis.

Note.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 134777 (Sub-No. 22), filed Oc­tober 3, 1973. Applicant: SOONER EX­PRESS, INC., P.O. Box 219, Madill, Okla. 73446. Applicant's representative: Wil­bur L. Williamson, 280 National Foun­tain Blvd., Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transport­ing: Meats, meat products, meat by­products and articles distributed by meat pack­in­house, as described in Sections A and C of Appendix I to the report in "Descriptions in Motor Carrier Certifi­cates," 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Swift Fresh Meats Company, at Danville, Ill.; (27) chicken and pork products and commodities in bulk in tank vehicles, from the plantsite of Swift Fresh Meats Company, at Danville, Ill., to points in Illinois, Indiana, Michigan, and Ohio, restricted to the transportation of traffic originating at and destined to the named states.

Note.—Common control was approved in MC-P-11851. Applicant states that the re­quested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, III., or Omaha, Nebr.

No. MC 135445 (Sub-No. 6), filed Oc­tober 17, 1973. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14585. Applicant's re­presentative: Francis P. Barrett, 60 Adams Street, Milton (Boston), Mass. 02187. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transport­ing: Foodstuffs, and materials and supplies used in the preserv­ing of preserved foodstuffs, from the plantsites and warehouses of Duff Mott Co., Inc., at Aspers, Pa., to the plantsites and warehouses of Duff Mott Co., Inc., in Horse and Windham Counties, N.H., and Middlesex County, Mass.

Note.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.


Note.—The purposes of this republication are to (1) correct the Docket Number MO-
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138549 in lieu of MC-13552 and (2) add Indiana as a destination point. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135590 (Sub-No. 4), filed October 10, 1973. Applicant: GOLD COAST TRUCKING & EXPRESS, INC., 278 S.W. 32d Court, Ft. Lauderdale, Fla. 33315. Applicant's representative: Richard B. Austin, 430 East First Street, Casper, Wyo. 82601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Meat, meat products, seafood, and articles distributed by meat packhouses as described in Sections 112.12 and 112.16, 1972 MC-MC, reprinted in Descriptions in Motor Carrier Certificates, Sections I and II, 1970 MC-MC. Authority is deemed necessary, applicant requests it be held at Ft. Lauderdale, Fla., or Miami, Fla.


Note.—If a hearing is deemed necessary, applicant requests it be held at Ft. Lauderdale or Miami, Fla.

No. MC 138052 (Sub-No. 4), filed October 17, 1973. Applicant: SECURITY CARRIERS, INC., 6210 River Road, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat byproducts, and articles distributed by meat packhouses as described in Sections 112.12 and 112.16, 1972 MC-MC, reprinted in Descriptions in Motor Carrier Certificates, Sections I and II, 1970 MC-MC. Authority is deemed necessary, applicant requests it be held at either Casper, Wyo., Rapid City, S. Dak., Billings, Mont., or Denver, Colo.

No. MC 138386 (Sub-No. 11), filed October 23, 1973. Applicant: GO LINES, INC., 8023 E. Slauson Avenue, Suite 6, Montebello (Los Angeles), Calif. 90640. Applicant's representative: Thomas F. Kehoe, 1655 Foothill Boulevard, Box 624, Spaltugle, Utah 84402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Meat, meat products, meat byproducts and articles distributed by meat packhouses as defined by the Commission except those commodities in bulk or hides), from Maytown, Wash., to points in Nevada, Calif., and the port of entry on the International Boundary line between the United States and Canada, at or near Blaine, Wash.; and (2) Meat, meat products, meat byproducts and articles distributed by meat packhouses as defined by the Commission except those commodities in bulk or hides), from Findlay and Barberton, Ohio, to points in the United States (except Montana, and recreational vehicles, under contract with Allegheny Ludlum Manufacturing Company, located in Madera, Stanislaus, and San Joaquin Counties, Calif., to points in Washington, Oregon, Idaho, Nevada, and Utah.

Note.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 138786 (Sub-No. 34), filed October 11, 1973. Applicant: ROBCO TRANSPORTATION, INC., Room 206, 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Applicant's representative: Val M. Higgins, 1001 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Manufactured mulches (except commodities in bulk), from Findlay and Bartberon, Ohio, to points in the United States except Alaska and Hawaii.

Note.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Minneapolis, or St. Paul, Minn.


Note.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 138376 (Sub-No. 2), filed October 23, 1973. Applicant: R/T TRUCKING INC., 1853 Habeeck Blvd, Pittsburgh, Pa. 15230. Applicant's representative: A. J. Daood (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Sheet steel, strip steel, and steel plate, between Brackenridge and West Leechburg, Pa., on the one hand, and, on the other, New Castle, Ind.; and (2) from New Castle, Ind., to Cleveland, Ohio, and Sharon, Pa.; and, on the other, Pittsburgh, Pa. Authority is deemed necessary, applicant requests it be held at Brackenridge, Pa.

Note.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 138610 (Sub-No. 1), filed October 16, 1973. Applicant: DARRELL JAMES RISIN, doing business as CITY DELIVERY SERVICE, 2411 N.W. 11th St., P.O. Box 481, Corvallis, Oreg. 97330. Applicant's representative: Darrell J. Riesen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, between the Mahlon-Sweet Fence Company, in Bridgeport, Conn., and points in Bridgport, Conn., and points in the manufacture of tire valves, brass hardware, and rubber used in the manufacture of the valves, and scrap generated during the manufacturing process, between the Mahlon-Sweet Fence Company, in Bridgeport, Conn., and points in Nashville, Tenn., New York, or Maine.

Note.—If a hearing is deemed necessary, applicant requests it be held at Benton County Courthouse, Corvallis, Oreg.; Lincoln County Courthouse, Albany, Oreg.; or Lane County Courthouse, Eugene, Oreg.

No. MC 138854, filed April 12, 1973. Applicant: E. B. IRBY TRUCKING COMPANY, Route No. 2, Hurt, Va. 24565. Applicant's representative: James David Jones, Box 95, Chatham, Va. 24531. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Manufactured tire radars, brass hardware, and rubber used in the manufacture of the valves, and scrap generated during the manufacturing process, between the Mahlon-Sweet Fence Company, in Bridgeport, Conn., and points in Nashville, Tenn., New York, or Maine.

Note.—If a hearing is deemed necessary, applicant requests it be held at Boanoke or Lynchburg, Va.


Note.—The purpose of this republication is to include St. Lawrence County, N.Y., in the destination territory described above. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 138792 (Sub-No. 1) (AMENDMENT), filed August 13, 1973, published in the FR issue of October 4, 1973, and republished as amended this issue. Applicant: D. J. VISKOE TRUCKING INC., Gemmell, Minn. 56643. Applicant's representative: D. J. Viskoe (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, between the Mahlon-Sweet Fence Company, in Bridgeport, Conn., and points in the manufacture of tire valves, brass hardware, and rubber used in the manufacture of the valves, and scrap generated during the manufacturing process, between the Mahlon-Sweet Fence Company, in Bridgeport, Conn., and points in Nashville, Tenn., New York, or Maine.
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panels, pickets, posts, and rails, and shingles, (1) from Northome, Minn., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Wyoming; (2) from Little Rock, Ark., to the Chicago, III., Commercial Zone, the Denver, Colo., Commercial Zone, Grand Island and Lincoln, Nebr., the Oklahoma City, Okla., Commercial Zone, the Louis, Mo., Commercial Zone, Sioux Falls, S. Dak. and Wichita, Kans., and (3) from the facilities of Allied Pence Co., located at Tulsa, Okla., to points in Arizona, Colorado, New Mexico, and Texas.

Note.—The purpose of this republication is to indicate the additional destination States to be served in (1) above, which were inadvertently omitted in the previous publi- cation. No hearing is necessary, and applicant requests it be held at Duluth or Minneapolis, Minn.


Note.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.


Note.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.


Note.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 139167 (Sub-No. 1), filed October 18, 1973. Applicant: DAVID E. PETT, doing business as PORTITAN EXPRESS CO., 843 Alden Street, Spring- field, Mass. Authority's representative: David M. Marshall, 335 State Street, Springfield, Mass. 01103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Building materials, gypsum products, gypsum board paper and wall sections, and related materials, supplies and equipment (except in bulk), from Antioch, Newark, and San Leandro, Calif., to points in Nevada, Washington, California, Utah, and Arizona; and (2) materials, supplies and equipment used in connection with the manufacture, sale or distribution of the commodities mentioned in (1) above and returned or rejected shipments, from points in Nevada, California, Utah, and Arizona, to Antioch, Newark, and San Leandro, Calif. under a continuing contract or contracts with Kaiser Gypsum Company, Inc.

Note.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 139181 (Sub-No. 1), filed October 17, 1973. Applicant: CHAFFEE TRANSPORT CO., INC., 100 Santee Way, Sacramento, Calif. 95815. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Building materials, gypsum products, gypsum board paper and wall sections, and related materials, supplies and equipment (except in bulk), from Antioch, Newark, and San Leandro, Calif., to points in Nevada, Washington, California, Utah, and Arizona, to Antioch, Newark, and San Leandro, Calif. (1) and (2) under a continuing contract or contracts with Kaiser Gypsum Company, Inc.


Note.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.


Note.—If a hearing is deemed necessary, applicant requests it be held at Akron or Cleveland, Ohio.

No. MC 139179 (Sub-No. 2), filed October 18, 1973. Applicant: DRYWALL TRANSPORT CO., INC., 1500 Avenue Way, Sacrameno, Calif. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Building materials, gypsum products, gypsum board paper and wall sections, and related materials, supplies and equipment (except in bulk), from Antioch, Newark, and San Leandro, Calif., to points in Nevada, Washington, California, Utah, and Arizona; and (2) materials, supplies and equipment used in connection with the manufacture, sale or distribution of the commodities mentioned in (1) above and returned or rejected shipments, from points in Nevada, California, Utah, and Arizona, to Antioch, Newark, and San Leandro, Calif. under a continuing contract, or contracts with Kaiser Gypsum Company, Inc.

Note.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.
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No. MC 139182 (Sub-No. 1), filed October 11, 1973. Applicant: ATLAS DELIVERY, INC., 340 Cole Ave., Dallas, Texas. 75207. Applicant’s representative: E. Larry Wells, 4445 S. Central Expressway, Dallas, Texas. 75211. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Appliances, including stoves or ranges (gas); stoves or ranges (electric); stove or range parts; over the points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk and further restricted to the transportation of traffic moving under a continuing contract with Chromalloy-America Corporation, its divisions or subsidiaries.

Note.—The purpose of the instant application is to substitute the commonly-controlled contract carrier services of applicant for the private carriage operations of the contracting shipper.

F. M. S. is a wholly owned subsidiary of Chromalloy American Corporation. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139211, filed October 12, 1973. Applicant: VENETIAN TRUCKING COMPANY, 307 East 34th Avenue, Malverne, N.Y. Applicant’s representative: Anthony M. Corinom, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) New furniture, from New York, N.Y., to points in New Jersey and Connecticut; and (2) refused, rejected, returned and traded-in commodities of the same description, from New York, N.Y., to points in New Jersey and Connecticut, to applicant.

Applicant requests it be held at New York, N.Y.


Applicant requests it be held at New York, N.Y.

MOTOR CARRIERS PASSENGER

No. MC 139184, filed October 10, 1973. Applicant: MILESTONE TRUCKING, INC., P.O. Box 545, Troy, N.Y. 12181. Applicant’s representative: John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Insulation and insulated panels, supplies, materials, and equipment used in the manufacture of insulation and insulated panels except in bulk, in tank vehicles, between points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, restricted to shipments originating at, destined to, or processed in transit at shipper’s facilities located in the Town of Halfmoon, N.Y., under continuing contract with Panel Craft, Inc., and Advance Cooler, Inc.

Note.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139185, filed October 12, 1973. Applicant: MISTLETHOWER TRUCKING INC., 123 South Cherry Valley Avenue, West Hempstead, N.Y. 11552. Applicant’s representative: Morris Honig, 150 Broadway, New York, N.Y. 10036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Cabinets, desks and tables; and materials, supplies, and equipment used for office use, filing purposes, from Moonachie and Parsippany, N.J., to New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y.; and (2) returned, refused, rejected commodities of the same description, from New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., to Moonachie and Parsippany, N.J., under contract with Oxford Pendaflex Corp., Garden City, N.Y.

Note.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139191, filed September 24, 1973. Applicant: PAPER EXPRESS, INC., 23 South Railroad Avenue, San Mateo, Calif. 94401. Applicant’s representative: Robert K. Lancefield, 2470 El Camino Real, Suite 108, Palo Alto, Calif. 94306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Furniture (except in bulk); metal, steel, aluminum, and other metal commodities; and, on the other hand, the on the other, Sparks and Reno, Nev.

Note.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, or Oakland, Calif.

No. MC 139202, filed October 18, 1973. Applicant: WILLMER W. GERDIN, Princeton, Minn. 55571. Applicant’s representative: James L. Nelson, 325 Cedar Street, La Crosse, Wis. 54601. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Grain elevator equipment and component and assembly parts of such equipment, from New York, N.Y., and points in Minnesota, Wisconsin, Iowa, North Dakota, South Dakota, Montana, Kansas, and Texas, under contract with Verti-Flo Corp.

Note.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, or Minneapolis, Minn.

No. MC 139203, filed October 17, 1973. Applicant: AKSARBEN MOVING & STORAGE, INC., 215 North 12th Street, Omaha, Nebr. 68107. Applicant’s representative: Einar Viren, 804 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods as described in Ex Parte MC-19, between points in Dodge, Saunders, Lancaster, Washington, Douglas, Sarpy, Cass, and Otoe Counties, Nebr., and Harrison, Shelby, Pottawattamie, Mills, Montgomery, Fremont, and Page Counties, Iowa, restricted to shipments moving on a through Bill of Lading of a freight forwarder operating under a Section 402 exemptition and having an immediate prior or subsequent line haul movement, and further restricted to shipments of an import export nature.

Note.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 139206, filed October 17, 1973. Applicant: P. M. S. TRANSPORTATION INC., 500 North Alvarado, Los Angeles, Calif. 90026. Applicant’s representative: E. Stephen Heisley, 805 McLachlan Bank Building, 660 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Textiles, textile fibers, textile fabric, textile yarns, textile articles, and textile products, and materials, equipment, and supplies used or useful in the sale, manufacture, processing, production, and distribution of the above-named commodities, between Laredo, El Paso, Bremerton, and Houston, Tex.; Johnson City, Tenn.; Clinton, Charleston, and Pickens, S.C.; New Orleans, La.; Savannah and Dalton, Ga.; Wellsville, St. Louis, Kansas City, and New Haven, Mo.; Sand Springs, Okla.; Millersburg, Ohio; and Nogales, Ariz., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted against the transportation of commodities in bulk and further restricted to the transportation of traffic moving under a continuing contract with Chromalloy-America Corporation, its divisions or subsidiaries.

Note.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.
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1730 M St. NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, from those ports of entry along the International Boundary line between the United States and Canada located in Washington, to points in Washington, California, Nevada, Montana, Idaho, and Utah, and return.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Seattle or Spokane, Wash.

Brokers Application

No. MC 130220, filed November 1, 1973. Applicant: WESTOURS, INC., 900 IBM Building, Seattle, Wash. 98101. Applicant’s representative: A. T. Wendells, 3933 Sea-First National Bank Building, Seattle, Wash. 98154. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Anchorage and Fairbanks, Alaska to sell or offer to sell the transportation of individual passengers and groups of passengers and their baggage in the same vehicle with passengers in round-trip or one-way and packaged tour operations between points in the United States, including Alaska but excluding Hawaii. Motor carrier transportation commencing outside Alaska, restricted to passengers having prior movement by air or water transportation originating in Alaska.

NOTE—If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska, or Seattle, Wash.

Freight Forwarder Application

No. FF-446, filed October 15, 1973. Applicant: WORLD FORWARDING CORP., 1 Allepo Street, Providence, R.I. 02909. Applicant’s representative: Herbert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by railroad, motor vehicle, water, and pipeline, in the transportation of household goods, used automobiles, and unaccompanied baggage, between points in the United States (including Hawaii, but excluding Alaska).

NOTE—Common control may be involved with applicant’s common Officers and Directors with No. MC-621 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

By the Commission.

[SEAL] ROBERT L. OSWALD, Secretary.
[FR Doc. 73-36556 Filed 12-5-73; 8:45 am]

Notice No. 401

ASSIGNMENT OFhearings

December 3, 1973

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after December 6, 1973.


FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973

1 & S No. 8890, Freight, All Kinds, in Multiple Trailers, Official territory, now assigned February 9, 1974, at Washington, D.C., is postponed indefinitely.

Robert Burstein, One World Trade Center, Boston, Mass. 02110.

Notice of Extension

At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 21st day of November, 1973, it appearing, that by application filed July 3, 1972, as amended, McDuffee Motor Freight, Inc., of Detroit, Mich., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities, with exceptions, (1) between Lexington, Ky., and the plant and warehouse sites of Eaton Corporation at Glasgo, Ky., over an irregular-route, serving Glasgow, Ky., as an off-route point in connection with applicant’s otherwise authorized regular-route operations; and (2) between Lexington, Ky., and other points outside Kentucky, as an off-route point in connection with applicant’s otherwise authorized regular-route operations.

It further appearing, that by order entered May 18, 1973, in the above-entitled proceeding, Review Board Number 1 found that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as an common carrier by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and warehouse sites of Eaton Corporation at Glassgo, Ky., and an on-route point in connection with applicant’s otherwise authorized regular-route operations; it further appearing, that on June 25, 1973, applicant filed a petition for reconsideration. It appearing, that applicant asserts that as its operations over the regular route to which Glasgow is appurtenant (such route being its Nashville, Nashville, Tennessee, to Richmond, Virginia, and extending to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Grand Mere, Shawinigan, Quebec, and Montpellier, Quebec, now assigned hearing February 21, 1974, at Chicago, Ill., in a hearing room to be later designated.

[PR Doc. 73-36767 Filed 12-5-73; 8:45 am]

[No. MC-20801 (Sub-No. 26)]

Robert L. Oswald, Secretary.

MCDUFFEE MOTOR FREIGHT, INC.

Notice of Extension
This proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced; and good cause appearing therefor:

It is ordered, that the above-entitled proceeding be, and it is hereby, reopened for reconsideration on the present record.

It is further ordered, that the order entered in the above-entitled proceeding on May 18, 1973, be, and it is hereby, vacated and set aside.

We find on reconsideration, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment, between the plant site and warehousing site of Park Aluminum Products, Inc., at Lufkin, Texas, and Shillito Oil, Inc., at Cincinnati, Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, that an appropriate certificate should be issued; and that the application in all other respects should be denied.

It is further ordered, that the application, and the said petition, except to the extent granted herein, be, and they are hereby, denied.

It is herein further ordered, that upon compliance by applicant with the requirements of Sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, a certificate be issued to applicant subject to prior publication in the Federal Register as set forth above, authorizing, in interstate or foreign commerce as a common carrier by motor vehicle in the manner described above.

It is further ordered, that unless compliance is made by applicant with the requirements of Sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

It is further ordered, that notice of the authority granted herein be published in the Federal Register.
No. MC-FC-74798. By order of November 29, 1973, the Motor Carrier Board approved the transfer to Edward W. Skinner and Edward W. Skinner, Jr., Doing Business As Skinner Trucking, Twin Falls, Idaho, of Permit No. MC-120818 (Sub-No. 1) issued to J. L. Anderson & Son, Wendell, Idaho, authorizing the transportation of: Beekeepers' supplies and equipment, honey, and beeswax, and other similar commodities, between points and areas in Idaho, California, Arizona, Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. R. W. Wigton, Practitioner, Box 1107, Sioux City, Iowa 51102.

No. MC-FC-74785. By order of November 29, 1973, the Motor Carrier Board approved the transfer to Schaller Trucking Corporation, Indianapolis, Ind., of Certificate of Registration No. MC-120814 (Sub-No. 2) issued to J. L. Anderson, Second Successor, Administrator, Indianapolis, Ind., evidencing the right to engage in interstate or foreign commerce in the transportation of Property between points in Indiana, Arizona, Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. R. W. Wigton, Practitioner, Box 1107, Sioux City, Iowa 51102.

Interested parties were given until the close of business November 15, 1973, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA will issue License No. 02/02-0305 to J. H. Foster & Company to operate as a small business investment company.


JAMES THOMAS PELLAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-25813 Filed 12-5-73;8:45 am]

VETERANS ADMINISTRATION
VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

The Veterans Administration gives notice that meetings of the VA Wage Committee will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., on:

- Thursday, January 3, 1974
- Thursday, January 17, 1974
- Thursday, January 31, 1974
- Thursday, February 14, 1974
- Thursday, February 28, 1974
- Thursday, March 14, 1974
- Thursday, March 28, 1974

The meetings will convene in Room 1109 at 2:30 p.m. for the purpose of reviewing wage survey data obtained by VA field stations under Federal Wage System procedures and proposed pay schedules derived therefrom.

The meetings will be closed to the public under the provisions of section 10(d) of Public Law 92-463, based on the confidential nature of information under consideration.


By direction of the Administrator:

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-25917 Filed 12-5-73;8:45 am]
CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during December.

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FEDERAL REGISTER, VOL. 38, NO. 234—THURSDAY, DECEMBER 6, 1973
ENVIRONMENTAL PROTECTION AGENCY

TRANSPORTATION CONTROL PLAN

National Capital Interstate AQCR
Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL PROTECTION
SUBCHAPTER C—AIR PROGRAMS
PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

National Capital Region Transportation Control Plans

This notice of final rulemaking amends the implementation plans of the District of Columbia, Maryland, and Virginia, so as to provide a single unified transportation control plan for the National Capital Interstate Air Quality Control Region (the "Region"). A General Preamble was published on November 6, 1973 (38 FR 30629), and is incorporated by reference.

BACKGROUND

On March 20, 1973, by publication in the Federal Register (38 FR 7325, and 7327), the Administrator, acting in response to a court order, notified the District of Columbia and the Governor of the wealth of Virginia.

The jurisdictions responded in a timely fashion to cure some of the deficiencies in the original submissions. Thus, material to supplement the plans was provided by the District of Columbia on September 4, in the District of Columbia; on September 5, and in Maryland on September 6, 1973. The submissions by Virginia, Maryland, and the District of Columbia were also extensively discussed at the public hearings.

Large portions of the submissions made in June and July by the three jurisdictions had been revised to date. In addition, the measures which EPA is promulgating have, to the maximum extent possible, been drafted to reflect the expressed preferences of the jurisdictional authorities. Additional submissions by Virginia, Maryland, and the State of Maryland and the Commonwealth of Virginia were also extensively discussed at the public hearings.

The Region is made up of Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and the District of Columbia. It extends past Dulles Airport in the west, to Gaithersburg and the National Bureau of Standards in the north along Route 70-S., past Conocophillips and the Potomac River, and to Beltsville, Maryland, in the east.

1. Natural Features. The National Capital Interstate Region is situated almost entirely in the gentle rolling Piedmont Coastal Plain. The terrain to the east is coastal plain. The terrain to the east is entirely in the gentle rolling Piedmont Coastal Plain. The terrain to the east is entirely in the gentle rolling Piedmont Coastal Plain. The terrain to the east is entirely in the gentle rolling Piedmont Coastal Plain. The terrain to the east is entirely in the gentle rolling Piedmont Coastal Plain. The terrain to the east is entirely in the gentle rolling Piedmont Coastal Plain. The terrain to the east is entirely in the gentle rolling Piedmont Coastal Plain. The terrain to the east is entirely in the gentle rolling Piedmont Coastal Plain. The terrain to the east is entirely in the gentle rolling Piedmont Coastal Plain. The terrain to the east is entirely in the gentle rolling Piedmont Coastal Plain. The terrain to the east is entirely in the gentle rolling Piedmont Coastal Plain. 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RULES AND REGULATIONS

except for the requirement to review the construction of certain parking facilities.

The submissions from each of the thirty areas received (including two supplemenal submissions) call for annual emission testing of all light duty vehicles, establishment of a computer car pool matching system, and the substantial reduction of heavy duty emissions. For example, a "commuter-jam" that would cause extensive social and economic disruption will occur through the expansion of the existing fleet size.

Finally, the District originally proposed and Virginia took credit for a ban on heavy duty vehicle emissions. The Virginia proposal was a ban on heavy duty diesel engines during the entire AQCR. This alternate program would impose an immediate phase-in of the Mass Transit Incentive Surcharge throughout the entire AQCR. This alternate program would impose an immediate phase-in of the Mass Transit Incentive Surcharge on all day parking were mixed, but the majority were in opposition. Opposition from downtown business was vigorous. Concern was expressed that the regulation of medium and large trucks in the central business district (CBD) businesses, would further hamper an already struggling downtown area, and would contribute heavily to relocation of business activity. Much of the criticism appeared to be based on the impression that the Mass Transit Incentive Surcharge would be levied only in the District of Columbia, that it was arbitrary and not evenhanded, and that it would be imposed before adequate mass transit service is available. In fact, the incentive will be applied only to long-term commuter parking (shoppers), and will be applied uniformly among the jurisdictions where necessary. Additional measures for the control of emissions from stationary sources were also proposed to cure minor technical deficiencies in the local plans.

2. Summary of public comments. Three days of public hearings were held in the District of Columbia at the National Capital Interstate Region. In all seven-ninety persons and organizations gave testimony. In addition, numerous written comments were received from organizations, citizens, citizen groups, environmental organizations, trade associations, private industry, and governmental entities.

HEAVY DUTY VEHICLE RESTRICTIONS

Criticism of the proposed ban on heavy duty gasoline powered trucks during the morning rush hours was especially pointed. It was argued that the emission reduction that would be achieved by imposing a "commuter-jam" on gasoline powered trucks during the rush would be partially offset by the increase in gasoline powered vehicles that would be affected by the affected industries which would require an unwieldly exemption list and render enforcement very difficult. The testimony favored the substitution of heavy duty retrofit in place of an outright ban on heavy duty vehicle during rush hour periods. EPA agrees that in the D.C. area, which is heavily oriented, a ban on heavy duty vehicles would, of necessity lead to many legitimate exemptions. Therefore, EPA has decided that a retrofit strategy would be more appropriate and would assure that emission reductions needed for this category of vehicles would be attained.

MSS Transit Incentive Surcharge

Comments concerning approval of the proposed Mass Transit Incentive Surcharge on all day parking were mixed, but the majority were in opposition. Opposition from downtown business was vigorous. Concern was expressed that the regulation of medium and large trucks in the central business district (CBD) businesses, would further hamper an already struggling downtown area, and would contribute heavily to relocation of business activity. Much of the criticism appeared to be based on the impression that the Mass Transit Incentive Surcharge would be levied only in the District of Columbia, that it was arbitrary and not evenhanded, and that it would be imposed before adequate mass transit service is available. In fact, the incentive will be applied only to long-term commuter parking (shoppers), and will be applied uniformly among the jurisdictions where necessary. Additional measures for the control of emissions from stationary sources were also proposed to cure minor technical deficiencies in the local plans.

Also there were claims that the surcharge was a "tax on the car pooler." However, EPA feels that it is not the purpose or effect of this measure to raise revenue for one jurisdiction at the expense of others. The surcharge will apply to all commuters, to areas adequately served by mass transit, wherever they come from, and will be applied not only in certain areas of the District, but in a significant number of employment centers outside it. All revenues from the surcharge will be used to expand mass transit, which will be of benefit to the Region as a whole.

Comments in the Maryland hearing asserted that the surcharge would be unfairly burdened by the Mass Transit Incentive Surcharge because there are few, if any, mass transit lines in existence or proposed that run to these areas. However, much of the criticism was aimed at the surcharge on heavy duty vehicles which will be affected, and in addition those in outer suburbs can greatly mitigate any adverse impact either by car pooling or park and ride facilities.

Despite the objections raised, EPA agrees with the three lead jurisdictions that strong negative disincentives as well as positive incentives are necessary to divert automobile drivers to mass transit. In fact, it is the purpose of the entire transportation portion of the plans submitted by the jurisdictions is based upon.

Several comments were received suggesting that the revenues obtained from the incentive should be spent on improvements of mass transit. This is consistent with the plans for use of the revenues.

It was also suggested that mass transit improvements could be facilitated by an immediate phase-in of the Mass Transit Incentive Surcharge applied throughout the entire AQCR. This alternate program would impose an immediate phase-in of a smaller charge which would be applied to all parking facilities area-wide without regard to mass transit service. The proceeds from the charge would be used to purchase and subsidize mass transit. The charge would increase in amount as mass transit becomes more readily available. EPA feels the phased-in approach has merit.

The written comments submitted by the local business community included pleas that the community should be free to propose and enact an alternate program. However, the Mass Transit Incentive Surcharge imposed by other than to increase use of carpools, a program which was part of the proposed plan. EPA encourages the communities affected to establish programs which would achieve similar reductions in emissions. The EPA's plan will be described.

The Environmental Protection Agency also found merit in the suggestions that handicapped persons should be exempt from the incentive, and EPA has incorporated these suggestions in this promulgation.

PARKING RESTRICTIONS

Three types of parking restrictions were discussed in the comments received by EPA: the on-street parking restrictions, the off-street space reduction contingency regulation proposed by EPA, and parking in Federal facilities.

As to on-street parking, several citizen groups in the District of Columbia emphasized that parking restriction provisions proposed by the local jurisdictions are essential to the effectiveness of the Plan, but that the proposed provisions lacked sufficient detail. There were comments that on-street parking spaces should be prohibited from heavily traveled arterials, and that a permit system for residents should be included. In fact, the plan proposed by the District of Columbia, which is being approved in this section, includes provisions similar to those advocated in the public comments.

With respect to the EPA proposal to reduce available off-street parking spaces as an alternative strategy businesses were opposed to any restrictions of available parking on company property. The State
of Maryland commented that they had no authority to require local jurisdictions to reduce parking space. The parking management groups questioned EPA's authority to impose parking restrictions. In both cases, EPA believes its legal authority adequately supports the proposed contingency measure. However, other groups feared that commuters would utilize all available spaces, leaving few spaces for shoppers, if the proposal were implemented. Partly due to this last point, and due to subsequent studies have shown that a much greater space reduction than proposed in the areas affected would be necessary to achieve results similar to the model years covered in these regulations, and therefore, EPA is promulgating a retrofit strategy. However, the regulation allows local authorities to require installation of any alternate device which achieves reductions equivalent to VSAD.

**D I S P L A Y  C O N T R O L S**

EPA received numerous comments concerning control of hydrocarbon vapors from dry cleaning processes. It was EPA's intention to propose an approach rather than the proposed regulations. The proposed regulation has been modified to conform to these suggestions.

**B I C Y C L E  R O U T E S**

The Washington Metropolitan Board of Trade, with the assistance of the National Capital Area Bicycle Council, has made available information, experts, and computer time to assist in establishing car pool programs. The Federal Government agrees, and recognizes its responsibilities to the National Capital Area. Such controls have contained in the EPA proposal, and are now being promulgated.

**L A N D  U S E  M E A S U R E S**

Comments from area bicyclists emphasized the importance of bicycles as a mode of commuter travel. EPA has granted new vehicle emission regulations for pre-1968 light duty vehicles because EPA has granted new vehicle emission regulation allows the jurisdictions to require installation of alternate devices which EPA has discussed in the November 6, 1973, final rule. The State of Maryland objected to imposition of retrofits on used fleet vehicles because EPA has granted new vehicles a one year delay of the effective date of the emission standards. Since the regulation would not become effective until May 1, 1977, EPA does not believe imposition of the regulation will be in fact inequitable.

**I N S P E C T I O N / M A I N T E N A N C E**

Unanimous support for inspection/maintenance programs confirmed the feasibility and acceptability of these proposed measures.

**T H E  C O N T E N T  O F  T H E  P L A N**

1. General. The measures approved and promulgated today may be divided into six categories, corresponding to the order in which they are presented. In some cases, EPA decided to apply them.
(1) The Federal Motor Vehicle Control Program for new vehicles, which accounts for much of the emission reduction achieved.

(2) Additional controls on stationary source emissions, with the States and EPA having extensive experience with such measures, and it can be predicted with confidence that none of them will cause significant economic or social disruption, even though some burdens on individual businesses may result.

(3) The establishment of a system for the annual emissions testing of automobiles and medium-duty vehicles, with provisions for the necessary corrective maintenance to be performed on those which fail. This is a measure that can easily be incorporated into a present annual vehicle inspection and Sales program.

(4) Moderate VMT reduction measures resulting from such steps as the establishment of bus and bicycle lanes on existing road space, the review of new parking lots, and measures to encourage car pooling and to discourage commuter train usage. The measures not only contribute directly to cleaning the air, but they also encourage more effective land use, the revival of urban centers, and reduced energy consumption. The inspections promulgated today will provide this kind of control over vehicles on the road used in much detail. The Virginia plan contains an "idle" test.

The Administrator is approving in full the District of Columbia and Virginia programs for inspection and maintenance of light and medium duty vehicles. The Administrator will use this data to determine the validity of calculated emission reductions. If the results show that reasonable and safe ground operating procedures do reduce emission levels, the Administrator will propose for the implementation of each program the conversion of road space to the exclusive use of buses. The conversion of road space to the exclusive use of buses or car pools is an essential VMT control measure. By reducing the amount of road space available to automobiles, driving tends to be discouraged, while such lanes will make more efficient mass transit possible to satisfy the displaced travel demand. Each of the three jurisdictions proposed the annual emission testing of medium-duty vehicles. EPA will rescind the regulations promulgated today.

(5) Maintenance programs are being adopted virtually in all transportation control plans.

(6) EPA looked to the reductions that could be achieved by installing (or "retrofitting") emission control devices on existing vehicles. The more expensive of these devices—catalytic converters—are being reserved for fleet vehicles and trucks, which are generally owned by those who can better afford the expense. The one retrofit of pre-1968 vehicles that is being promulgated is not cost intensive and achieves large emission reductions when compared to its cost. In addition, to ensure that emission reductions from heavy-duty gasoline powered vehicles and trucks are maintained in connection with the VMT reduction measures. The EPA study from which the 50 percent emission reduction figure was determined was based on California emission reductions. Thus, a 50 percent reduction, while perhaps achievable at airports which have long delays and long taxi times, is not possible for the other major airports. Thus, a 50 percent reduction, while perhaps achievable at airports which have long delays and long taxi times, is not possible for the other major airports. Thus, a 50 percent reduction, while perhaps achievable at airports which have long delays and long taxi times, is not possible for the other major airports. Thus, a 50 percent reduction, while perhaps achievable at airports which have long delays and long taxi times, is not possible for the other major airports.

Under the local strategies approved today, two exclusive bus lanes—one inbound lane during the morning peak period, and one outbound lane during the evening peak period—will be established along the following corridors:

a. U.S. Route 50 from New Carrollton, Maryland to the Washington CBD
b. Pennsylvania Avenue and Maryland Route 201 from Andrews Air Force Base to the CBD
c. South Capitol Street from Bolling Air Force Base to Independence Avenue
e. Dulles Access Road—Virginia 123—George Washington Memorial Parkway from the Reston Interchange to the CBD.
g. Georgia Avenue—13th Street from the Maryland boundary to the CBD.

h. U.S. Route 29 from Old Georgetown Road to Sheridan Circle.

i. New Hampshire Avenue from U.S. Route 29 to Grant Circle.

The addition of bus lanes in these corridors will complement the existing system of bus lanes and will help assure that an extensive network will be implemented.

Expansion of Bus Transit System. An essential element of any transportation control plan for the National Capital Area is improved mass transit. Accordingly, each of the three plans, the area-wide addition of 750 buses to the existing fleet, will be necessary to expand the existing bus fleet to transport those commuters who no longer intend to use the automobile to drive to work. The Washington Metropolitan Area Transit Authority (WMATA) has already instituted a five-year program that was to effect a modest increase in fleet size and a retirement of the oldest buses in the current fleet. WMATA now plans to modify its original program to allow a more rapid increase in fleet size to meet this need. The increase will be gained by retiring some of the older, but serviceable buses (e.g., air-conditioned, good working order) that had been programmed for retirement. When the Metro Rapid Rail System comes into operation, the new buses will be used to provide the cross-town or suburb-to-suburb service that Metro will not provide, and to provide feeder routes to Metro stops.

The following chart shows WMATA's current anticipated timetable for increasing the fleet size through 1977, and a modified timetable which could be implemented to increase fleet size to meet the needs of the transportation plan. In addition, the 368 buses currently planned for retirement by June, 1974, could be retained to augment further the fleet size should it become necessary.

<table>
<thead>
<tr>
<th>Date</th>
<th>New buses delivered</th>
<th>5-year plan retirement</th>
<th>Modified plan retirement</th>
<th>Annual net increase</th>
<th>Fleet size</th>
</tr>
</thead>
<tbody>
<tr>
<td>December, 1973</td>
<td>150</td>
<td>0</td>
<td>150</td>
<td>0</td>
<td>2,205</td>
</tr>
<tr>
<td>December, 1974</td>
<td>150</td>
<td>0</td>
<td>150</td>
<td>0</td>
<td>2,205</td>
</tr>
<tr>
<td>December, 1975</td>
<td>150</td>
<td>0</td>
<td>150</td>
<td>0</td>
<td>2,205</td>
</tr>
<tr>
<td>December, 1976</td>
<td>150</td>
<td>0</td>
<td>150</td>
<td>0</td>
<td>2,205</td>
</tr>
<tr>
<td>December, 1977</td>
<td>150</td>
<td>0</td>
<td>150</td>
<td>0</td>
<td>2,205</td>
</tr>
</tbody>
</table>

Of the 251 net increase in buses for 1974, approximately 100 buses will be used to augment existing service lines, and the remaining (approximately 150) will be deployed on new lines, including cross-city and cross-county routes.

In addition to an increase in the size of bus fleets from day to day, the segment of daily travel most easily shifted to car pools or other forms of mass transit. One way to provide an adequate incentive for employees to switch to mass transit commuting is by an increase in the parking charge over and above the current rate to encourage use of mass transit by commuters. This incentive could enable more employees to switch to mass transit commuting than if the revenues from it were channelled back to the mass transit system. The National Capital plan includes such a provision.

The plans submitted by the three jurisdictions and supporting documents suggested that employers in areas adequately served by mass transit should eliminate free parking for their employees, and also impose an additional two dollar per day surcharge that would be used to subsidize mass transit. The plans suggested that EPA should take action to impose such a surcharge on commuter parking beginning June, 1974, could be retained to augment further the fleet size should it become necessary.

The concept of areas adequately served by mass transit can be approached in several ways. In order to permit the local jurisdictions as much latitude as possible in the plan, the Administrator will allow each jurisdiction to delete or add areas, provided that an affirmative showing is made to the Administrator that such changes are appropriate and that the other areas are considered adequately served. Any such submission or affirmative showing shall be submitted no later than June 30, 1974. By June 30, 1974, each jurisdiction will be required to submit to EPA the list of areas or boundaries of the areas included on the above list or the alternate areas selected. The three jurisdictions must conduct a coordinated study of the entire region defining precisely the areas covered. The list of areas must be updated at least once per year beginning June 30, 1975. Additional areas must be included as mass transit service is increased, unless the jurisdiction can affirmatively demonstrate that it is impossible for any additional areas to be included.

It must be emphasized that the commuter rates and the Mass Transit Incentive Surcharge will not go into effect until mass transit service has been significantly expanded by the transit improvement measures outlined above. Therefore, it is expected that the surcharge measures will begin on or about June 30, 1975. However, if the bus system expansion does not proceed substantially as planned, the Administrator may adjust the effective date of the measures to coincide with mass transit development. In fact, the Mass Transit Incentive Surcharge approved in this final promulgation embodies this concept by proceeding on a phased implementation schedule.

The new schedule has been based on WMATA's most recent anticipated time-

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Any net revenues collected from the Mass Transit Incentive Surcharge on commercial, governmental and private parking facilities will be used for the further expansion or operation of the parking system.

The commercial rates and surcharge will be imposed only on those who park for six (6) or more hours at a time. It should accordingly have little or no adverse effect on short term parking by shoppers and on the economic health of existing business districts such as downtown Washington, but should instead operate almost exclusively to change commuter parking behavior.

One other topic deserves discussion under this section. This is the off-street parking space reduction which was proposed last year to be an incentive to the purchase of electric and hybrid vehicles. Testimony received asserted that if spaces were reduced, commuters would take up all available spaces leaving few, if any, for shoppers. Therefore, this strategy is considered a complete, separate strategy of the three local jurisdictions submitted measures to EPA that would bar off-street parking for commuters in the areas where the surcharge is in effect. In addition, the District of Columbia proposed to restrict on-street parking on major arterial streets and proposed to institute a permit system so that available on-street spaces would be used by residents of the neighborhood rather than by commuters. These measures are being approved by the Administrator subject, in the cases of Virginia and the District of Columbia, to compliance schedules to correct technical deficiencies in the strategy.

Computerized Car Pooling. The strategies described above can be expected to cause a considerable shift to car pool commuting among employees. Individual automobile owners will gradually find it more desirable to pool ride space capacity available. Car pooling, properly administered, could result in a great VMT reduction.

Each of the three local jurisdictions suggested the establishment of a computer-aided car pool matching system to assist and encourage the shift to car pooling. The District of Columbia, Maryland and Virginia plans is being approved in full.

Bicycle Lanes. As a result of comments received at the public hearings, the Administrator agreed with the plan for establishing a bicycle lane/bicycle rack strategy. A safe and widespread system to encourage bicycle usage by present users of motor vehicles has the potential of decreasing area wide VMT by about one percent. Reduction in this range can be achieved by diverting 12-20 percent of urban work trips of less than 4 miles to bicycle commuting from auto commuting. This estimate takes no account of the potential for also shifting other categories of trips under four miles (such as recreational or shopping trips) to bicycling. A bicycle lane/rack strategy as the regulation requires the jurisdictions to establish a bicycle lane network of no less than 180 miles area wide by July 1, 1976. Such a route network should provide direct access to Metro and railroad stations, and should link all major residential sections of the city with centers of employment, as well as major educational institutions and commercial centers.

The bicycle lane network will be implemented following a comprehensive study of all aspects of present and potential bicycle usage. The study will determine the best location for bicycle routes, both on-street and off-street, and will examine the costs of the bicycle lane and rack network. A miles route from Key Bridge past the White House and the U.S. Capitol to Pennsylvania Avenue and Alabama Avenue, S.E. will be established prior to April 1, 1974. An evaluation of this route shall be included in the comprehensive study. This route was chosen because it provides direct access to the Central Business District from areas of the city where present bicycle use is high, and because of the need to enable connection with Virginia routes.

A system of bicycle racks will be required by June 1, 1975. Bicycle racks or other safe storage facilities are an essential part of a bicycle plan. Without them, the threat of theft may deter potential riders from using even the most extensive bicycle lane network. The regulations require that any employer, building, or facility providing motor vehicle parking space must also provide bicycle parking in an equitable ratio: 1 bicycle parking space capable of storing 12 bicycles in a rack for each 75 motor vehicle parking spaces. Racks should be located to be safe from both motor vehicle traffic and theft. It would be desirable that outdoor racks be sheltered, under the roof and enclosed for adequate security.

The inspection and maintenance program, which will be run as part of the present annual safety inspection program, is expected to cost an average of $2 per vehicle inspected. Maintenance on vehicles that fail a first test so that they can pass a retest will cost an average of $3 above normal maintenance costs. The additional maintenance which should result from this program will also improve the fuel economy of the inspected vehicle.

The controls on gasoline transfer will save energy as well as reduce emissions, since the gasoline that would otherwise have evaporated will be collected by the upstream gas stations and put back into the distribution system. These controls are expected to conserve approximately four million gallons of gasoline per year. Controls on aircraft ground operations can also be expected to save energy.

The various retrofit measures vary in expense, from $20 for a VSAD system to an estimated $130 for a catalytic converter. Although such devices were effective in reducing emissions, there are no significant secondary benefits from their installation except to avoid the need for less desirable alternatives. The most significant of these catalytic converters will be reserved for use on fleet vehicles and taxicabs.

In some instances, as noted above, measures have been promulgated that were not formally proposed as regulations.

Parking Review. In all three jurisdictions, EPA proposed, as a contingency plan, to set up a review of new parking facilities to determine whether they would be consistent with the plan's VMT reduction goals. The public comments received stated their intention to include the regulation as part of this action. However, in response to a court order this regulation was promulgated on November 12, 1973 (38 FR 31266, November 15, 1973). The regulation and modification requires review of all parking facilities over 250 spaces capacity prior to construction or modification.

VMT reductions are calculated from a predicted growth curve, and not simply from current levels, this regulation will help reduce VMT levels by reducing the future supply of parking on which future VMT growth would depend.

Although review of new highways was not proposed by any of the jurisdictions, there was substantial public comment on the issue of highway construction. It should be noted that Section 109(d) of the Federal Aid Highway Act, as amended, 23 U.S.C. 109(d), requires any Federal aid highway to be consistent with the VMT reduction plans in the implementation plans under the Clean Air Act. The plan for the Region is designed to provide a substantial VMT reduction. Accordingly, if any new Federal aid highway in the Region were approved, it would be expected to lead to a VMT increase or to interfere with the attainment or maintenance of air quality standards, it would not be consistent with this plan.

Heavy Duty Vehicle Exclusion/Heavy Duty Vehicle Retrofit. The District of Columbia proposed to effect a 50 percent
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reduction in heavy duty vehicle emissions by banning all but specifically exempted deliveries from 5 a.m. to 9 a.m. This measure is disapproved because of the practical enforcement problems presented in public hearing testimony, because of the uncertain emissions reduction credit, because of the absence of precise definition of proposed exemptions (e.g., milk trucks, postal service trucks, sanitation trucks), and because of lack of detail in the local program provisions. In addition, the possibility of installing appropriate retrofit devices on medium (6,000-10,000 pound, GVW) and heavy duty vehicles, as proposed by the State of Maryland presents an additional possibility of installing appropriate retrofit devices on medium (6,000-10,000 pound, GVW) and heavy duty vehicles, as proposed by the State of Maryland.

possibility of installing appropriate retrofit devices on medium (6,000-10,000 pound, GVW) and heavy duty vehicles, as proposed by the State of Maryland. Preliminary results of a vehicle test program, sponsored jointly by the EPA and the City of New York, indicate that catalytic retrofit of non-catalytic vehicles is indeed feasible although application of the same devices to heavy duty vehicles indicated problems of deterioration of the retrofit device and the vehicle's exhaust system. Since the jurisdictions have agreed to participate in the ongoing test program, the Administrator has determined that catalytic retrofit will provide substantial reductions in both carbon monoxide and hydrocarbons for all medium duty vehicles which are able to operate properly on unleaded 91 RON gasoline, and is promulgating such a regulation. In addition, for those medium duty vehicles which are unable to operate on 91 RON gasoline, an EGR-Airbleed system will be required.

Air/Fuel Retrofit of Heavy Duty Gasoline-powered Vehicles (greater than 5,000 pound GVW). Since the test program sponsored jointly by the EPA and New York City has suggested serious deterioration effects resulting from the use of catalytic retrofit devices on heavy duty gasoline powered vehicles, it is apparent that the state-of-the-art is insufficiently advanced to permit application of this control measure. However, the same test program demonstrated that significant emission reductions which result from installation of air/fuel devices, exhaust gas recirculation, or carburetor modifications on heavy duty vehicles, is apparent that the state-of-the-art is insufficiently advanced to permit application of this control measure. However, the same test program demonstrated that significant emission reductions which result from installation of air/fuel devices, exhaust gas recirculation, or carburetor modifications on heavy duty vehicles and heavy duty diesel vehicles which are part of business or government vehicle fleets. The use of such a catalyst will reduce emissions by approximately 50 percent on each vehicle retrofitted. Installation of these catalysts will begin in mid-1976. V.SAD Retrofit of Pre-1968 Automobiles. The reductions claimed by the jurisdictions for aircraft emissions could not be allowed in full; it is necessary for the Administrator to promulgate a control measure to meet the standards by the 1977 deadline. For this reason, the Administrator is promulgating, in essentially the form proposed, a regulation requiring the installation of VSAD devices on pre-1968 vehicles. The regulation has been modified to allow a jurisdiction to use any other device which can be demonstrated to achieve equivalent emission reductions on this class of vehicles (namely, 30 percent reduction in CO and 25 percent reduction in HC). In addition, an exemption from the requirements of this regulation is allowed for antique or classic vehicles.

Monitoring and Reporting Regulation. This measure is included in the final rulemaking for all three jurisdictions to provide for monitoring the reductions that will result from the application of these regulations to mobile sources. This reporting will allow EPA sufficient time to evaluate the effectiveness of the measures included in this plan. It will further provide the data upon which EPA will determine if any modification of the measures is necessary.

### Summary of Expected Emissions

<table>
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<tr>
<th>Hydrocarbons</th>
<th>Carbon Monoxide</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base year emissions</td>
<td>62.3</td>
</tr>
<tr>
<td>Total reductions required</td>
<td>62.4</td>
</tr>
<tr>
<td>Reductions from PCVCF</td>
<td>29</td>
</tr>
<tr>
<td>Stationary source emissions without control strategy</td>
<td>31.3</td>
</tr>
<tr>
<td>Expected reductions from</td>
<td>1.1</td>
</tr>
<tr>
<td>a. Dry cleaning vapor recovery</td>
<td>1.1</td>
</tr>
<tr>
<td>b. Gasoline burning vapor recovery</td>
<td>0.4</td>
</tr>
<tr>
<td>Mobile source emissions without control strategy</td>
<td>15.3</td>
</tr>
</tbody>
</table>

### Findings

The plan approved today applies a full range of the emission controls that have been used in transportation control plans for other areas of the country. The provisions for stationary source control, inspection and maintenance, bus lanes, computer-aided car pool matching, parking lot review, and various retrofits are common to many plans. The provisions for special charges on commuter parking are also being used in other heavily polluted areas of the country such as Boston and in California.

### Economic and Social Effects

EPA, while recognizing that inconvenience to some individuals will necessarily result from the National Capital Area plan, believes that there will not be significant economic or social disruption. In general, commuter travel by single-passenger automobile will become much more expensive, and that mode of transportation loses many of its present advantages. This, however, should not be seen as a deliberate attempt by EPA to hinder and frustrate the many individuals who presently rely upon the automobile to commute to and from work.

The transportation plan provides for alternative transit choices which, when fully operational, will make commuting far easier than it is today. In the long run, then, persons in the metropolitan area should benefit from cleaner air, less vehicle congestion and a more balanced system of transportation.

To achieve this result, the Region's bus fleet will be greatly expanded within the next few years and many additional routes and service areas will be established. This efficiency of the energy consumed in the system will be further improved by the new bus line network. The 180 miles of bicycle lanes will increase the attractiveness of travel by bicycle. Car pooling will become considerably easier as the computer-aided car pool matching system goes into operation. And, in the near future, the new subway system will have a very positive effect.

There will be other significant advantages to the plan announced today. Recent events have made clear how essential it is to economize on energy use. Transportation at present accounts for over a quarter of the energy consumed in this country. Automobility consume three-quarters of the energy used for transportation, or about twenty percent of the total. Only about a quarter of the energy consumed by an automobile engine does useful work. The rest is wasted. Indeed, even the energy used to drive the vehicle is largely wasted in any functional sense, since most American cars are far larger and heavier than they need to be for their normal job of moving one or two people around. Our present auto-based transportation system using standard-sized cars moves

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of metal along with each of them. There can be no better place to begin to end our exclusive reliance on the automobile than in the cities, where this step will not only save energy, but will also promote human health by cleaning up the air.

The controls on gasoline transfer will save energy as well as reduce emissions, since the gasoline that would otherwise have evaporated will be collected by the control mechanism and be put back into the distribution system. These controls are expected to conserve approximately 11 thousand gallons of gasoline per day. Controls on gas stations, although not as effective in reducing emissions, there are no significant secondary benefits from their installation except to avoid the need for less desirable alternatives. The most costly of these devices—the catalytic converter—will be reserved for use on fleet vehicles and taxicabs.

In some instances, as noted above, measures have been promulgated that were not formally proposed as regulations. This was done because of the requirement of the court order that a plan applying all "reasonably available" measures be promulgated for the Region within 45 days of EPA's notice. We invite public comment on these and other aspects of today's promulgation, and will revise the plan if revision seems appropriate at the light of the comments received. Comments should be submitted no later than December 31, 1973, to the Transportation Control Staff, Office of Air Programs, Room 937-W, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

It is the desire of the Environmental Protection Agency that the plan to attain and maintain the carbon monoxide and photochemical oxidant standards in the National Capital Interstate Air Quality Control Region be a Regional plan devised and carried out by the affected local jurisdictions or their representatives. The combination of strategies approved and promulgated today is a first extent form such plans. Furthermore, if the three local jurisdictions submit additional transportation control measures and these measures are approvable, portions of this plan can be revised. It should be noted, however, that this plan constitutes a final rulemaking and its provisions are enforceable under the Clean Air Act.

(D) With respect to the parking surcharge program and all facilities subject to the District of Columbia portion of the Capital Interstate AQCR. The parking surcharge shall be complemented and collected according to the following schedule:

June 30, 1975-Dec. 31, 1975 _________ $0.50
January 1, 1976-June 30, 1976 _________ 1.00
January 1, 1977________________________ 2.00

All monies collected under this program shall be turned over to the District of Columbia. All proceeds from this program shall be used for the expansion and operation of mass transit except for a reasonable amount for the costs of administration and collection of the surcharge. Any handicapped person who is unable to use mass transit shall not be subject to the surcharge. The parking surcharge shall not apply to any parking begun between the hours of 6 p.m. and 2 a.m.

(e) With respect to the measure for elimination of free on-street commuter parking, elimination of free on-street commuter parking in increased bus fleet and service and exclusive bus lanes. Provisions to implement the requirements of § 51.15 are promulgated in this section.
ing for more than two hours by nonresidents of the area subject to the ban during the hours from 7 p.m., Monday through Friday (excepting holidays) on any streets within such areas. The program shall also provide for a sticker system, under which residents of such an area may be exempted from the ban, and for a system (whether by notification to or enforcement by authorities, or otherwise) for also exempting bona fide visitors to residents of such areas from the ban.

(10) The precise resources that will be devoted to enforcing this measure, the method of enforcement to be used (for example, chalking tires), and the penalties for violation. The compliance schedule shall include all of this information.

(f) With respect to the measure for elimination of free employee parking approved in § 52.472:

(1) The purpose of this paragraph “Commercial Parking Rate” shall mean the average daily rate charged by the three operators of parking facilities containing 25 or more commercial parking spaces which are closest in location to any employee parking space affected by this paragraph.

(2) The District of Columbia shall, no later than June 30, 1974, submit to the Administrator for his approval a precise description of areas within the District of Columbia which are at that time adequately served by mass transit, and those areas which are not. The District of Columbia will be adequately served by mass transit by June 30, 1975. The documentation and policy assumptions used to select these areas shall be included with this submission.

(3) The District of Columbia shall by June 30, 1975, and each succeeding year, submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit in the previous year. Additional areas must be included as mass transit service is increased, unless the District of Columbia affirmatively demonstrates that no additional areas can be included.

(4) The District of Columbia shall no later than October 1, 1974, submit to the Administrator legally adopted regulations instituting commercial parking rates by June 30, 1975, on all employers, public (excluding Federal Government) or private, with 25 or more employee spaces located in those areas adequately served by mass transit within the District of Columbia portion of the National Capital Interstate Air Quality Control Region. Any handicapped person who is unable to use mass transit shall not be subject to the commercial parking rate. The commercial parking rate shall not apply to employee parking between the hours of 6 p.m. and 2 a.m.

(g) With respect to the measure for increased bus fleet and service approved in § 52.472:

(i) The District of Columbia shall, no later than January 31, 1974, submit a compliance schedule to put the program into effect. The compliance schedule shall, at a minimum, provide that the District of Columbia shall, on or before March 1, 1974, submit to the Administrator a statement, signed both by a representative of the Washington Metropolitan Area Transit Authority (WMATA) indicating that, in the judgment of both of them, financial commitments have been made by the District of Columbia for the purchase of buses.

(j) This statement, taken in conjunction with the commitments made by the Commonwealth of Virginia and the State of Maryland, must be sufficient to enable WMATA to purchase in the fiscal year beginning the next July 1, the number of buses below:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Buses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975-1976</td>
<td>125</td>
</tr>
<tr>
<td>1976-1977</td>
<td>150</td>
</tr>
<tr>
<td>1977-1978</td>
<td>150</td>
</tr>
</tbody>
</table>

The statement shall also indicate that WMATA has in fact committed to purchase that number of buses.

(h) With respect to the express bus lane measure approved in § 52.472:

(1) The District of Columbia shall no later than January 1, 1975, establish exclusive bus lanes in the following corridors:

(i) U.S. Route 50 from District of Columbia-Maryland boundary to Washington Central Business District (hereafter CBD).

(ii) Pennsylvania Avenue from the District of Columbia-Maryland boundary to the Washington CBD.

(iii) South Capitol Street from Bolling Air Force Base to Independence Avenue.

(iv) U.S. Route 50 from the District of Columbia-Virginia boundary to the Washington CBD.

(v) In the District of Columbia portion of a route connecting the Dulles Access Road from the Reston Interchange to the Washington CBD.

(vi) Georgia Avenue-13th Street from the District of Columbia-Maryland boundary to the Washington CBD.

(vii) U.S. Route 240 from the District of Columbia-Maryland boundary to Sheridan Circle.

(viii) New Hampshire Avenue from the District of Columbia-Maryland boundary to Grant Circle.

Such lanes shall be inbound during the morning peak and outbound during the evening peak.

(2) The District of Columbia shall submit to the Administrator, no later than March 1, 1974, a schedule showing the steps which it will take to establish exclusive bus lanes in those corridors enumerated in paragraph (h)(1) of this section. Each schedule shall be subject to the approval of the Administrator and shall include as a minimum the following:

(i) Identification of streets or highways that shall have portions designated for exclusive bus lanes.

(ii) The date by which each street or highway shall be designated.

(3) Exclusive bus lanes must be prominently indicated by distinctively painted lines, pylons, overhead signs, or physical barriers.

(4) Application for substitution of a corridor for any of those listed in paragraph (h)(1) of this section shall be made by the District of Columbia for the Administrator’s approval no later than March 1, 1974.

8. Section 52.479 is amended by adding paragraphs (b) and (c) to read as follows:

§ 52.479 Source surveillance.

(1) The requirements of § 51.19(d) are not met with respect to the strategies for parking surcharge, car pool locator, vehicle inspection, express bus lanes, increased bus fleet and service, elimination of free on-street community parking, and elimination of free parking by employers.

(c) Monitoring transportation trends.

(1) This section is applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(2) In order to assure the effectiveness of the inspection and maintenance program approved in § 52.472 and the retrofit devices required pursuant to §§ 52.496, 52.499, 52.494, 52.495, and 52.496, the State shall monitor the actual per vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(3) In order to assure the effective implementation of the parking surcharge, car pool locator, express bus lanes, increased bus fleet and service, elimination of free on-street community parking and elimination of free parking by employers, the District of Columbia shall monitor vehicle miles traveled and average vehicle speeds for each area in which such measures are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the District of Columbia in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table 1.

<table>
<thead>
<tr>
<th>Time period</th>
<th>Affectcd area</th>
<th>VMT or average vehicle speed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daytime</td>
<td>Metropolitan Area Transit Authority</td>
<td></td>
</tr>
<tr>
<td>Evening</td>
<td>Metropolitan Area Transit Authority</td>
<td></td>
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<tr>
<td>Peak</td>
<td>Metropolitan Area Transit Authority</td>
<td></td>
</tr>
</tbody>
</table>

1. Continue with other vehicle types as appropriate.

(4) No later than March 1, 1974, the District of Columbia shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:
§ 52.484 [Reserved]

§ 52.485

§ 52.486 Federal parking facilities.

(a) Definitions. For the purposes of this section,

(1) "Administrative Officer" means the Administrator of General Services, the Director of the Federal Government entity designated as such, for the purposes of this section by the Administrator.

(2) "Commercial value" means a value which approximates commercial charges for space and services for like facilities in the immediate vicinity of a Federal facility. In the absence of commercial facilities, commercial value should be established using the fair market value of a Federal Government entity and the cost of services being provided as a basis.

(3) "Designated area" means an area defined by § 52.476(d)(1).

(4) "Federal Government entity" means a Federal department, agency, bureau, office, commission, district, or an instrumentality of the executive, legislative, and judicial branches of the Federal Government. Foreign entities are subject to this regulation.

(5) "Parking facility" (also called "facility") means any lot, garage, building or other structure, or any parking space used primarily for the parking or storage of vehicles which is owned, operated, or otherwise controlled by any Federal Government entity and which is not under the authority of an Administrative Officer. Any such Federal Government entity may apply to the Administrator before January 4, 1974, for designation of an "Administrative Officer" and permission to submit its own plan.

(b) This section is applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.

(c) Commencing July 1, 1975, rates based upon the commercial value shall be charged employees for parking a motor vehicle in any facility which is owned, operated, leased, or otherwise controlled by any Federal Government entity and which is located in a designated area: Provided, however, That such commercial value shall not apply (1) to parking provided by any Federal Government entity which is not under the authority of an Administrative Officer, (2) to any vehicle exempted under subparagraph (d)(2) of this section, or (3) to vehicles operated by the Federal Government.

(d)(1) Each Administrative Officer shall adopt a plan which shall require each Federal Government entity which is owned, operated, leased, or otherwise controlled by any Federal Government entity and which is not under the authority of an Administrative Officer, to submit to the Administrator before January 4, 1974, for designation of an "Administrative Officer" and permission to submit its own plan.

(d)(2) Each Administrative Officer shall submit to EPA, no later than July 1, 1974, an outline of the plan required by this paragraph, and the effective date of the plan, which date shall be no later than July 1, 1975. The plan required by this paragraph covering all subject facilities of government entities which are part of the executive branch of the Federal Government shall be coordinated with the Administrator of General Services.

§ 52.487 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the District of Columbia portion of the National Capital Interstate AQCR.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 260 gallons unless the displaced vapors from the storage container are processed by a vapor recovery system which reduces the release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary storage container.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with § 52.488.

(3) The Administrator of the Environmental Protection Agency will promulgate such a plan by May 1, 1974, for any parking facility of any Federal Government entity to which this section applies which is not under the authority of an Administrative Officer. Any such Federal Government entity may apply to the Administrator before January 4, 1974, for designation of an "Administrative Officer" and permission to submit its own plan.
RULES AND REGULATIONS

(3) Gasoline storage compartments of one thousand gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1974.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application for the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15(b) and (c).

(2) June 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction or installation of emission control equipment or process modification.

(4) May 1, 1977—Complete on-site construction or installation of emission control equipment or process modification.

(5) May 31, 1977—Assure final compliance with the provisions of paragraph (e) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(a) Gasoline means any petroleum distillate having a vapor pressure of 4 pounds or greater.

(b) This section is applicable in the District of Columbia portion of the National Capital Intestate Area.

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designated to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle; and

(2) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section may consist of vapor recovery, incineration, refrigeration-condensation system or its equivalent.

(e) Components of the systems required by § 52.487 may be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, local laws or any other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration or any gasoline dispensing facility installation and using the most effective manner a system required by paragraph (c) of this section.

(g) Every owner or operator of a gasoline dispensing system subject to this section shall comply with the following compliance controls:

(1) February 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.
§ 52.489 Control of dry cleaning solvent evaporation.

(a) Definitions:
(1) "Dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.
(2) "Organic solvents" means organic materials, including diluents and thinners, which are liquids at standard conditions and which are used as diluents, viscous reducers, or cleaning agents.
(3) "Photochemically reactive solvent" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, as applied to the total volume of solvent:

- More than 6,000 lb GVW and less than 10,000 lb GVW.

(4) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb GVW or more.
(5) "Aromatic compounds" means a combination of aromatic compounds classified below or which exceeds any of the following individual percentage composition limitations, as applied to the total volume of solvent:

- More than 6,000 lb GVW and less than 10,000 lb GVW.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate Air Quality Control Region.
(c) "Organic solvents" means organic materials, including diluents and thinners, which are liquids at normal conditions and which are used as diluents, viscous reducers, or cleaning agents.
(d) "Photochemically reactive solvent" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, as applied to the total volume of solvent:

- More than 6,000 lb GVW and less than 10,000 lb GVW.

§ 52.491 Bicycle lanes and bicycle storage facilities.

(a) Definitions:
(1) "Bicycle" means a two-wheel, nonmotor powered vehicle.
(2) "Bicycle lane" means a route for bicycles at periodic intervals not more than 1 year apart by means of a loaded emission test.
(3) "Bicycle parking facility" means any storage facility for bicycles, which allows bicycles to be locked securely.
(4) "Parking facility" means a lot, garage, building, or portion thereof, in or on which motor vehicles are temporarily parked.
(b) This section shall be applicable in the District of Columbia portion of the National Capital Interstate Air Quality Control Region.
(c) On or before July 1, 1976, the District of Columbia shall establish a network of bicycle lanes linking residential areas with employment, educational, and commercial centers in accordance with the following requirements:
(1) The network shall contain no less than 60 miles of bicycle lanes in addition to any in existence as of November 20, 1973.
(2) Each bicycle lane shall at a minimum:

- Be clearly marked by signs indicating that the lane is for the exclusive use of bicycles (and pedestrians, if necessary);
- Be separated from motor vehicle traffic by appropriate devices, such as physical barriers, pylons, or painted lines;
- Be regularly maintained and repaired;
- Be of a hard, smooth surface suitable for bicycles;
- Be at least 5 feet wide for one-way traffic, or 8 feet wide for two-way traffic;
- If in a street used by motor vehicles, be a minimum of 8 feet wide where one-way or two-way;
- Be adequately lighted.
(3) Off-street bicycle lanes which are not reasonably suited for commuting to and from employment, educational, and other uses shall not be subject to the requirements of this section.
commercial centers shall not be considered a part of this network.

(4) On or before October 1, 1974, the District of Columbia shall establish 25 percent of the total mileage of the bicycle lane network. If on or before June 1, 1975, 50 percent of the total mileage shall be established; or on or before July 1, 1976, 100 percent of the total mileage shall be established.

(d) On or before June 1, 1974, the District of Columbia shall submit to the Administrator a comprehensive study of a bicycle lane and bicycle path network. The study may include, but not be limited to the following:

(1) A bicycle user and potential user survey, which shall at a minimum determine:

(a) The present bicycle riders, the origin, destination, frequency, travel time, and distance of bicycle trips;

(b) In high density employment areas, the present transportaton modes used and the potential modes of transportation, including the number of employees who would convert to the bicycle mode from other modes upon completion of the bicycle lane network described in paragraph (c) of this section.

(2) A determination of the feasibility and location of on-street bicycle lanes.

(3) A determination of the feasibility and location of off-street bicycle lanes.

(4) A determination of the special problems related to feeder lanes to bridges, on-street bicycle lanes, feeder lanes to METRO and railroad stations, and feeder lanes to various areas and the means necessary to include such lanes in the bicycle lane network described in paragraph (c) of this section.

(5) A determination of the feasibility and location of various methods of safe bicycle parking.

(6) The study shall make provision for the receipt of public comments on any matter within the scope of the study, including the location of the bicycle lane network described in paragraph (c) of this section.

(e) By June 1, 1974, in addition to the comprehensive survey required pursuant to paragraph (d) of this section, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish this network pursuant to paragraphs (c) and (b) of this section. The compliance schedule shall identify in detail the names of streets that will provide bicycle lanes and the location of any lanes to be constructed especially for bicycle use. It shall also include a statement indicating the source, amount, and adequacy of funds to be used in implementing this section, and the text of any regulations or proposals and needed regulations which will be proposed for adoption.

(f) On or before October 1, 1974, the District of Columbia shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(g) On or before May 1, 1974, the District of Columbia shall establish a pilot bicycle lane from Key Bridge via Pennsylvania Avenue past the White House to the U.S. Capitol and from the Capitol along Pennsylvania Avenue to Alabama Avenue.

(h) On or before June 1, 1975, the District of Columbia shall require all owners and operators of parking facilities containing more than 50 parking spaces (including both free and commercial facilities) within the area specified in paragraph (b) of this section to provide spaces for the storage of bicycles in the following ratio: one automobile-sized parking space (with a bicycle parking facility) for the storage of bicycles for every 75 parking spaces for the storage of autos. The District shall also require that:

(1) Bicycle parking facilities shall be so located as to be safe from motor vehicle traffic and secure from theft. They shall be properly repaired and maintained.

(2) The METRO Subway System shall provide a sufficient number of safe and secure bicycle parking facilities at each station to meet the needs of its riders.

(3) All parking facilities owned, operated, or allowed by the Federal Government shall be subject to this paragraph.

(4) Any owner or operator of a parking facility which charges a fee for the storage of bicycles shall store bicycles at a rate per unit per hour which is no greater in relation to the cost of storing them than is the price of parking for a motor vehicle in relation to the cost of parking for a motor vehicle.

(i) The District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps which the test has shown to be necessary for ensuring that the provisions of this paragraph are being met.

§ 52.492 Medium duty air/fuel control retrofit.

(a) Definition.

(1) "Air/Fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbons and carbon monoxide from 1973 and earlier medium-duty vehicles of at least 15 and 30 percent, respectively.

(2) "Medium-duty vehicle" means a gasoline powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(b) This section is applicable within the District of Columbia to any vehicle that does not comply with the applicable standards and have an adequate supply of retrofit components.

(c) By May 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.490 unless it has been first equipped with an approved air/fuel control device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and uniform criteria for implementing this provision.

(d) The District of Columbia shall establish a retrofit program to ensure that on or before May 31, 1976, all medium-duty vehicles of model years prior to 1973 which are not required to be retrofit with an oxidizing catalyst or other approved device pursuant to § 52.495 which are registered in the area specified in paragraph (b) of this section, are equipped with an appropriate air/fuel control device or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device. No later than February 1, 1974, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than Septic inspection and maintenance of vehicles.

(e) After May 31, 1976, the District shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and have an adequate supply of retrofit components.

(f) After May 31, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implemented by this section.

(g) The District may exempt any class or category of vehicles from this section which the District finds is rarely
used on public streets and highways (such as classic or antique vehicles) or for which the District demonstrates to the Administrator that air/fuel control devices or other devices approved pursuant to this section are not commercially available.

§ 52.494 Heavy duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/fuel control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to reduce emissions of hydrocarbons and carbon monoxide from heavy-duty vehicles of at least 30 and 40 percent, respectively.

(2) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb gross vehicle weight (GVW) or more.

(b) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) The District of Columbia shall establish a retrofit program to ensure that on or before May 31, 1977, all heavy-duty vehicles registered in the area specified in paragraph (b) of this section are equipped with an appropriate air/fuel control device, or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device. No later than April 1, 1974, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. Such schedule shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) of this section are enforced.

(e) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(f) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.473 and 52.490 unless it has been first equipped with an approved air/fuel control device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly.

(g) The District of Columbia shall establish a retrofit program to ensure that on or before May 31, 1977, all light-duty fleet vehicles of model years 1971 through 1975 and all medium-duty vehicles of model years 1971 through 1975 which are registered in the area specified in paragraph (b) of this section and are able to operate on R1340 gasoline are equipped with an appropriate oxidizing catalyst retrofit device, or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbon and carbon monoxide to the same extent as an oxidizing catalyst retrofit device. No later than April 1, 1974, the District of Columbia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. Such schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such schedule shall be no later than January 1, 1975.

§ 52.495 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device that uses a catalyst installed in the exhaust system of a vehicle (and if necessary includes an air pump) so as to achieve a reduction in exhaust emissions of hydrocarbon and carbon monoxide of at least 50 and 50 percent, respectively, from light-duty vehicles of 1971 through 1975 model years, and of at least 50 and 50 percent, respectively, from medium-duty vehicles of 1971 through 1975 model years.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb GVW and less than 10,000 lb GVW.

(4) "Fleet vehicle" means any of 5 or more light-duty vehicles operated by the same person(s), business, or governmental entity and used in connection with the same or related occupations or uses. This definition shall also include any taxicab (or other light-duty vehicle-for-hire) owned by any individual or business.

(5) All other terms used in this section that are defined in Part 51, Appendix N, are used herein with meanings so defined.

(b) This section is applicable to all vehicles subject to this section which are registered in the area specified in paragraph (b) of this section.

(c) The District of Columbia shall evaluate and approve devices for use in this program.

(d) No later than September 1, 1974, the District shall submit legally adopted regulations to the Administrator establishing such a program.

The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by §§ 52.473 and 52.490 unless it has been first equipped with an approved catalyst retrofit device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly.

(e) After May 31, 1977, the District shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to this section.
vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) Any vehicle which is manufactured equipped with an oxidizing catalyst, or which is certified to meet the original 1975 light duty vehicle emissions standards set forth in section 202(b) (1) of the Clean Air Act of 1970 (without regard to any suspension of such standards), shall be exempt from the requirements of this section.

§ 52.496 Vacuum spark advance disconnect retrofit.

(a) Definitions:

(1) "Vacuum spark advance disconnect retrofit" means a device or system installed on a motor vehicle that prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears, or when the vehicle is traveling below a predetermined speed, so as to achieve reductions in emissions of hydrocarbons and carbon monoxide from 1967 and earlier light-duty vehicles of at least 25 and 9 percent, respectively.

(2) "Light-duty vehicle" means a gasoline or diesel vehicle rated at 6,000 lb. gross vehicle weight (GVW) or less.

(b) This section is applicable within the District of Columbia portion of the National Capital Interstate AQCR.

(c) The District of Columbia shall establish a retrofit program to ensure that on or before January 1, 1976, all light-duty vehicles of model years prior to 1968 registered in the area specified in paragraph (b) of this section are equipped with an appropriate vacuum spark advance disconnect retrofit device or other device, as approved by the Administrator, that results in emissions of hydrocarbons and carbon monoxide to the same extent as a vacuum spark advance disconnect retrofit. No later than February 1, 1974, the District shall submit to the Administrator a detailed compliance schedule showing the steps which will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(d) No later than April 1, 1974, the District shall submit to the Administrator a detailed compliance schedule showing the steps which will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the District shall evaluate and approve devices for use on vehicles subject to this section.

(e) Designation of an agency responsible for enforcing this section shall include:

(1) Designation of an agency responsible for ensuring that the provisions of paragraph (d) (3) of this section are enforced.

(2) Provisions for beginning the installation of the retrofit devices by January 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than January 1, 1976.

(f) A provision that starting no later than January 1, 1976, no vehicle for which retrofit devices are installed under this section shall pass the annual emission tests provided for by § 52.472 unless it has been first equipped with an approved vacuum spark advance disconnect retrofit device, or other device approved pursuant to this section, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(g) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(h) Provision (apart from the requirements of any general program for periodic inspection of vehicles) for ensuring that the vehicle is installed and operating correctly.

(i) After January 1, 1976, the District shall not register or allow to operate on its streets or highways any light-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(j) After January 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle unless the vehicle complies with the applicable standards and procedures implementing this section.

(k) The District may exempt any class or category of vehicles from this section where the District finds that the class or category of vehicles is not commercially available.

Subpart V—Maryland

1. In § 52.1070 paragraph (c) is revised to read as follows:

§ 52.1070 Identification of plans.

(c) Supplemental information was submitted on:

(1) February 25, March 3, March 7, April 4, April 28, and May 8, 1972, by the Maryland Bureau of Air Quality Control;


2. Section 52.1072 is amended by revising paragraph (b) to read as follows:

§ 52.1072 Extensions.

(b) The Administrator hereby extends for two years the attainment dates for the national standards for carbon monoxide and photochemical oxidants in the Maryland portion of the National Capital Interstate Region.

3. Section 52.1073 is revised to read as follows:

§ 52.1073 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Maryland's plans for the attainment and maintenance of the national standards.

(b) With respect to the transportation control strategies submitted on April 16, May 5, June 15, June 22, June 26, and July 9, 1973, the Administrator approves the measures for the National Capital region for car pool locator, express bus lanes, increased bus fleet and service, elimination of free on street commuter parking, elimination of free employee parking, parking surcharge, dry cleaning solvent use, and gasoline vapor recovery with the exceptions set forth in §§ 52.1074, 52.1077, 52.1080, 52.1081, 52.1082, and 52.1084.

(c) With respect to the transportation control strategies submitted on April 16, May 5, June 15, June 22, June 26, and July 9, 1973, the Administrator disapproves the measures for inspection programs, heavy duty vehicle inspection and retrofit, for the reasons set forth in § 52.1074. Rectifying provisions to require these programs to be implemented are promulgated in §§ 52.1089, 52.1091, and 52.1092.

4. Section 52.1074 is revised to read as follows:

§ 52.1074 Legal authority.

(a) The requirements of § 51.11(b) of this chapter are not met with respect to the vehicle inspection program and heavy duty vehicle inspection and retrofit, because definite commitment to obtain legal authority was not made.

(b) The requirements of § 51.11(f) of this chapter are not met with respect to Maryland's plans for the attainment and maintenance of the National Capital region because it is not clearly demonstrated that all local agencies have requisite legal authority, or that the State retains the capability of implementing the transportation control measures.

5. In § 52.1077, paragraph (b) is amended by adding the following sentence at the end of the paragraph and paragraph (c) is added to read as follows:

§ 52.1077 Source surveillance.

(b) * * * Rectifying provisions are promulgated in this section.

(c) Monitoring Transportation Sourceemissions. This section is applicable to the State of Maryland.

(2) In order to assure the effectiveness of the inspection and maintenance program and the retrofit devices required under §§ 52.1083, 52.1084, 52.1085, and 52.1086, and in order to determine the actual per-vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the
State in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(3) In order to assure the effective implementation of the car pool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free employee parking, and the parking surcharge approved in § 52.1073, the State shall monitor vehicle miles travelled and average vehicle speeds for each area in such sections are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State of Maryland in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles travelled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table 1.

### Table 1

<table>
<thead>
<tr>
<th>Roadway type</th>
<th>VMT or average vehicle speed</th>
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<tr>
<td>Freeway</td>
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<td>Collector</td>
<td></td>
</tr>
<tr>
<td>Local</td>
<td></td>
</tr>
</tbody>
</table>

1 | Continue with other vehicle types as appropriate.

(4) No later than March 1, 1974, the State shall be submitted to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(i) The agency or agencies responsible for conducting overseeing, and maintaining the monitoring program.

(ii) The administrative procedures to be used.

(iii) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of the geographical area to which the data apply; identification of the location at which the data will be collected; and the time periods during which the data will be collected.

§ 52.1078 [Amended]

6. In § 52.1078, the attainment date table is revised by replacing the date “May 31, 1975,” for attainment of the national standards for carbon monoxide and photochemical oxidants in the Maryland portion of the National Capital Interstate Region with the date “May 31, 1977,” and by deleting footnote “e.”

§ 52.1079 [Reserved]

7. Section 52.1079 is revoked and rescinded.

8. In § 52.1080, paragraphs (c) through (h) are added to read as follows:

§ 52.1080 Compliance schedule.

(c) With respect to the transportation control strategies submitted by the State, the requirements of § 51.15 of this chapter are not fully met for the measures for parking surcharge, elimination of free on-street commuter parking, elimination of free employee parking, increased bus fleet and service, and exclusive bus lanes. Provisions to implement the requirements of § 51.15 of this chapter are promulgated in this section.

(d) With respect to the parking surcharge measure approved in § 52.1073:

(1) The State of Maryland shall not later than June 30, 1974, submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit, and those areas in which the judgment of the State will be adequately served by mass transit by June 30, 1973. The documentation and policy assumptions used to select these areas shall be included with this submission.

(2) The State of Maryland shall by June 30, 1975, and each succeeding year submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit. Additional areas must be included as mass transit service is increased, unless the State can affirmatively demonstrate that no additional areas can be included.

(3) Each political subdivision of the State of Maryland which has jurisdiction over any area (or portion thereof) designated as adequately served by mass transit shall, not later than October 1, 1974, submit to the Administrator legally adopted regulations instituting the parking surcharge on all long-term (6 hours) parking in all commercial parking facilities (except to the extent they are used for residential parking) and all facilities subject to §§ 52.1080 (f) and 52.1085 in those areas adequately served by mass transit within the control of such political subdivision. The parking surcharge shall be implemented and collected according to the following schedule:

<table>
<thead>
<tr>
<th>Date</th>
<th>Commercial Parking Rate</th>
<th>Residential Parking Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 30, 1975- Dec. 31, 1976</td>
<td>$0.50</td>
<td>$0.00</td>
</tr>
<tr>
<td>January 1, 1976-June 30, 1976</td>
<td>1.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>July 1, 1976-June 30, 1977</td>
<td>2.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>January 1, 1977-June 30, 1977</td>
<td>2.00</td>
<td>4.00</td>
</tr>
</tbody>
</table>

All monies collected under this program shall be turned over to the appropriate political subdivision. All proceeds from this program shall be used for the expansion and operation of mass transit, except for a reasonable amount for the costs of administration and collection of the surcharge. Any handicapped person who is unable to use mass transit shall not be subject to the surcharge. The parking surcharge shall not apply to any parking begun between the hours of 6 p.m. and 2 a.m.

(e) With respect to the measure for elimination of free on-street commuter parking approved in § 52.1073:

(1) Each political subdivision of the State of Maryland within the National Capital Interstate AQCR shall, no later than June 30, 1974, submit to the Administrator for his approval a compliance schedule, including legally adopted regulations, enforcement procedures, and a description of resources available. The compliance schedule shall provide:

(i) For implementing the on-street parking ban in all areas within which the surcharge will be required by paragraph (d) of this section. This program shall prohibit all parking for more than two hours by non-residents of the area subject to the ban during the hours from 7 a.m. to 7 p.m. on any street within such areas. The program shall also provide for a sticker system, under which residents of such area may also be exempt from the ban. The sticker system may be operated in conjunction with a system (whether by notification to the enforcement authorities, or otherwise) for also exempting bona fide visitors to residents of such areas from the ban.

(ii) The precise resources that will be devoted to enforcing this measure, the method of enforcement to be used (for example, chalked tires), and the penalties for violation. The compliance schedule shall at a minimum provide that the program administrator legally adopted regulations instituting the parking surcharge on all long-term (6 hours) parking in all commercial parking facilities (except to the extent they are used for residential parking) and all facilities subject to §§ 52.1080 (f) and 52.1085 in those areas adequately served by mass transit within the control of such political subdivision. The parking surcharge shall be implemented and collected according to the following schedule:

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<tr>
<td>July 1, 1976-June 30, 1977</td>
<td>2.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>January 1, 1977-June 30, 1977</td>
<td>2.00</td>
<td>4.00</td>
</tr>
</tbody>
</table>

(iii) The State of Maryland shall, no later than June 30, 1974, submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit, and those areas in which the judgment of the State will be adequately served by mass transit by June 30, 1975. The documentation and policy assumptions used to select these areas shall be included with this submission.

(iv) The State of Maryland shall by June 30, 1975, and each succeeding year submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit. Additional areas must be included as mass transit service is increased, unless the State can affirmatively demonstrate that no additional areas can be included.

(v) Each political subdivision of the State of Maryland which has jurisdiction over any area (or portion thereof) designated as adequately served by mass transit shall, not later than October 1, 1974, submit to the Administrator legally adopted regulations instituting the parking surcharge on all long-term (6 hours) parking in all commercial parking facilities (except to the extent they are used for residential parking) and all facilities subject to §§ 52.1080 (f) and 52.1085 in those areas adequately served by mass transit within the control of such political subdivision. The parking surcharge shall be implemented and collected according to the following schedule:

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</tr>
<tr>
<td>January 1, 1977-June 30, 1977</td>
<td>2.00</td>
<td>4.00</td>
</tr>
</tbody>
</table>

All monies collected under this program shall be turned over to the appropriate political subdivision. All proceeds from this program shall be used for the expansion and operation of mass transit, except for a reasonable amount for the costs of administration and collection of the surcharge. Any handicapped person who is unable to use mass transit shall not be subject to the surcharge. The parking surcharge shall not apply to any parking begun between the hours of 6 p.m. and 2 a.m.
(g) With respect to the measure for increased bus fleet and service approved in § 52.1073, the State of Maryland shall no later than January 31, 1974, submit a compliance schedule to put the program into effect. The compliance schedule shall specify (i) a statement, when taken in conjunction with this paragraph, that the State of Maryland shall, on or before March 1, 1974, submit to the Administrator a statement, signed both by a representative of the State of Maryland, and by the Metropolitan Area Transit Authority (WMATA) indicating that, in the judgment of both of them, financial commitments have been made by the State of Maryland or by its local governments for the purchase of buses. This statement, when taken in conjunction with the commitments made by the District of Columbia and the Commonwealth of Virginia, must be sufficient to enable WMATA to purchase in the fiscal year beginning the next July 1 the number of buses indicated below:

Fiscal Year 1975—175 buses
Fiscal Year 1976—150 buses
Fiscal Year 1977—100 buses

The statement shall also indicate that WMATA has in fact committed to purchase that number of buses.

(h) With respect to the express bus lane measure approved in § 52.1073:

(1) The State of Maryland shall no later than January 1, 1975, establish exclusive bus lanes in the following corridors:
   (i) U.S. Route 50 from New Carrollton to the Maryland-District of Columbia boundary.
   (ii) Pennsylvania Avenue and Maryland Route 4 from Andrews Air Force Base to the Maryland-District of Columbia boundary.
   (iii) U.S. Route 210 from Old Georgetown Road to the Maryland-District of Columbia boundary.
   (iv) New Hampshire Avenue from U.S. Route 29 to the Maryland-District of Columbia boundary.

Such lanes shall be inbound during the morning peak and outbound during the evening peak periods.

(2) The State of Maryland shall submit to the Administrator, no later than March 1, 1974, a schedule showing the steps which it will take to establish exclusive bus lanes in those corridors enumerated in paragraph (h)(1) of this section. Each schedule shall be subject to approval by the Administrator and shall include as a minimum the following:
   (i) Identification of streets or highways that shall have portions designated for exclusive bus lanes.
   (ii) The date by which each street or highway shall be designated.
   (iii) Exclusive bus lanes must be prominently indicated by distinctive painted lines, pylons, overhead signs, or physical barriers.
   (iv) Application for substitution of a corridor for any of those listed in paragraph (h)(1) of this section shall be made by the State of Maryland for the Administrator's approval no later than March 1, 1974.

§ 52.1080 Control strategy for the purchase of buses. This statement, when taken in conjunction with this paragraph, that the State of Maryland shall, on or before March 1, 1974, submit to the Washington Metropolitan Area Transit Authority (WMATA) indicating that, in the judgment of both of them, financial commitments have been made by the State of Maryland for the purchase of buses. This statement, when taken in conjunction with the commitments made by the District of Columbia and the Commonwealth of Virginia, must be sufficient to enable WMATA to purchase in the fiscal year beginning the next July 1 the number of buses indicated below:

Fiscal Year 1975—175 buses
Fiscal Year 1976—150 buses
Fiscal Year 1977—100 buses

§ 52.1081 Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons).

(a) With respect to the transportation control plan for the National Capital region submitted by the State, the requirements of § 51.14(a)(1) and (2) of this chapter are not met because there are proposed regulations, or an adequate description of enforcement and administrative procedures for the strategies for express bus lanes, increased bus fleet and service, elimination of on-street commuter parking, and elimination of free parking by employers.

(b) The requirements of § 51.14(c) of this chapter are not met with respect to the transportation control plans submitted by the State of Maryland for the National Capital region because the strategies were not defined well enough to insure the claimed and required emission reductions. Inadequate technical justification was provided for the claimed reductions in aircraft emissions and no strategies were provided for these reductions.

10. Section 52.1082 is added to read as follows:

§ 52.1082 Rules and regulations.

(a) The requirements of § 52.22 of this chapter are not met with respect to the transportation control plans submitted by the State of Maryland for the National Capital Region because there are no proposed regulations necessary to implement proposed stationary control measures for gas handling and dry cleaning looos which have not been adopted. Substitute regulations are promulgated in §§ 52.1081, 52.1085, and 52.1088.

11. Section 52.1084 is revised to read as follows:

§ 52.1084 Intergovernmental cooperation.

(a) The requirements of § 51.21 of this chapter are not met because local agencies and their responsibilities in carrying out transportation control measures are not adequately identified.

12. Sections 52.1085 through 52.1089 are added to read as follows:

§ 52.1085 Federal parking facilities.

(a) Definitions. For the purposes of this section:
   (1) “Administrative Officer” means the Administrator of General Services, the Marshal of the Supreme Court of the United States, the Architect of the Capitol, or any Federal Government entity designated as such for the purposes of this section by the Administrator.
   (2) “Commercial value” means a value which approximates commercial charges for space and services for like facilities in the immediate vicinity of a Federal facility. In the absence of commercial facilities, commercial value should be established using the fair market value of a Federal facility if the cost of services being provided is as a basis.
   (3) “Designated area” means an area defined by § 52.1080(d)(1).
   (4) “Federal Government entity” means any Federal department, agency, bureau, board, office, commission, district, or any instrumentality of the executive, legislative, and judicial branches of the Federal Government, Foreign embassies are not subject to this section.

13. Section 52.1086 is added to read as follows:

§ 52.1086 Federal parking facilities.

(a) Each Administrative Officer shall adopt a plan which shall require each Federal Government entity under his authority to which this section applies to implement paragraph (c) of this section.

(b) The plan may provide for exemption from the requirements of paragraph (c) of this section for space assigned to handicapped persons who are physically unable to use mass transit.

(c) The Administrator of the Environmental Protection Agency will promulgate such a plan by May 1, 1974, for any parking facility of any Federal Government entity to which this section applies which is not under the authority of an Administrative Officer. Any such Federal Government entity may apply to the Administrator for exemption under paragraph (d) of this section.

(d) (1) Each Administrative Officer shall submit to EPA, no later than July 1, 1974, an outline of the plan required by this paragraph, and that the effective date of the plan, which date shall be no later than July 1, 1975. The plan required by this paragraph covering all subject facilities of government entities which are part of the executive branch of the Federal Government shall be coordinated with the Administrator of General Services.
§ 52.1086 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Maryland portion of the National Capital Interstate AQCR.

(c) No person shall transfer gasoline from any delivery vessel into any station storage container with a capacity greater than 250 gallons unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with § 52.1087 of this chapter.

(3) The delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be supplied only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1977.

(d) The provisions of paragraph (e) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the storing of implements of husbandry.

(2) Any container having a capacity less than 2,000 gallons installed prior to the promulgation of this section.

(3) Transfers made to storage tanks equipped with floating roofs or their equivalent.

(4) Every owner or operator of a stationary storage container or delivery vessel subject to this section shall comply with the following compliance schedule:

(1) April 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) May 1, 1974—Negotiate and sign all necessary contracts for emission control systems and other compont parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) February 1, 1976—Complete on-site construction or installation of emission control equipment.

(5) March 1, 1976—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 30 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has submitted to the Administrator by January 31, 1974, the information he considers necessary to achieve compliance with paragraph (c) of this section as far as possible. Any facility subject to this section which installs a vapor-tight return line from the fill nozzle-filler neck interface to the dispensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent, which can recover at least 90 percent by weight of the organic compounds in the displaced vapor, and which will be taken by the source to achieve compliance with the provisions of this paragraph shall certify to the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section.

(2) To a source whose owner or operator submits to the Administrator by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. Any such schedule shall provide for certification by the Administrator, such certification to be completed within 30 days of its submission to the Administrator.

(3) To a source whose owner or operator submits to the Administrator by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. Any such schedule shall provide for certification by the Administrator, such certification to be completed within 30 days of its submission to the Administrator.

(4) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(5) To a source whose owner or operator submits to the Administrator by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. Any such schedule shall provide for certification by the Administrator, such certification to be completed within 30 days of its submission to the Administrator.

(g) Every owner or operator of a source subject to the provisions of paragraph (c) of this section shall comply with the following compliance schedule:

(1) February 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) May 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction, or installation of emission control equipment.

(4) May 1, 1977—Complete on-site construction, installation of emission control equipment or process modification.

(5) May 31, 1977—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section.

(h) Paragraph (g) of this section shall not apply:

§ 52.1087 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Maryland portion of the National Capital Interstate AQCR.

(1) A gasoline dispensing facility subject to this section which installs a storage tank after the effective date of this section shall comply with the requirements of paragraph (c) of this section.

(2) A gasoline dispensing facility subject to this section which installs a storage tank after May 31, 1976, and prior to that date shall comply with paragraph (c) of this section as far as possible. Any facility subject to this section which installs a storage tank after May 31, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.
(1) To a source which is presently in compliance with the provisions of paragraph (e) of this section, the Administrator may request whatever supplementary information he considers necessary for proper certification in order to certify such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supplementary information he considers necessary for proper certification of such compliance to the Administrator by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(2) A source which is presently in compliance with the provisions of paragraph (e) of this section as far as possible. Any proposal and regulations that it will propose for adoption.

(3) To a source whose owner or operator fails to comply with the provisions of paragraph (e) of this section by discontinuing the use of photochemically reactive solvents no later than January 31, 1974, or by controlling emissions as required by paragraph (e) of this section no later than May 31, 1975.

§52.1083 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use vehicles through identifying vehicles that need emission control-related maintenance and requiring that such maintenance be performed.

(2) "Organic solvents" means organic materials, including clutters and thinners, which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(3) "Photochemically reactive solvent" means any solvent with an aggregate of medium-duty, medium-duty, or heavy-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (e) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The State of Maryland shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (e) of this section, including:

(1) The text of needed statutory proposals and regulations that it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot be committed, the Governor or his designee shall be obligated under an existing statutory authority.

(b) This section is applicable to the Maryland portion of the National Capital Interstate AQC. The Administrator may request whatever supplementary information he considers necessary for proper certification in order to certify such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supplementary information he considers necessary for proper certification of such compliance to the Administrator by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(2) A source which is presently in compliance with the provisions of paragraph (e) of this section as far as possible. Any proposal and regulations that it will propose for adoption.

(3) To a source whose owner or operator fails to comply with the provisions of paragraph (e) of this section by discontinuing the use of photochemically reactive solvents no later than January 31, 1974, or by controlling emissions as required by paragraph (e) of this section no later than May 31, 1975.

§52.1083 Control of dry cleaning solvent evaporation.

(a) Definitions:

(1) "Dry cleaning operation" means a process by which an organic solvent is used to remove soils from garments or other fabric materials.

(2) "Organic solvents" means organic materials, including clutters and thinners, which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(3) "Photochemically reactive solvent" means any solvent with an aggregate of medium-duty, medium-duty, or heavy-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (e) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The State of Maryland shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (e) of this section, including:

(1) The text of needed statutory proposals and regulations that it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot be committed, the Governor or his designee shall be obligated under an existing statutory authority.
§ 52.1090 Bicycle lanes and bicycle storage facilities.

(a) Definitions:
(1) "Bicycle" means a two-wheel, non-motor powered vehicle.
(2) "Bicycle lane" means a route for the exclusive use of bicycles, either constructed specifically for that purpose or converted from an existing lane.
(3) "Bicycle parking facility" means any storage facility for bicycles, which allows bicycles to be locked securely.
(4) "Parking space" means the area allocated by a parking facility for the temporary storage of one automobile.
(5) "Parking facility" means a lot, garage, building, or portion thereof, in or on which motor vehicles are temporarily parked.

(b) This section shall be applicable in the State of Maryland portion of the National Capital Interstate Air Quality Control Region.

(c) On or before July 1, 1974, the State of Maryland shall establish a network of bicycle lanes linking residential areas with employment, educational, and commercial centers in accordance with the following requirements:
(1) The network shall contain no less than 40 miles of bicycle lanes in addition to any in existence as of November 20, 1973.
(2) Each bicycle lane shall at a minimum:
(i) Be clearly marked by signs indicating that the lane is for the exclusive use of bicycles (and pedestrians, if necessary);
(ii) Be separated from motor vehicle traffic by appropriate devices, such as physical barriers, pylons, or painted lines;
(iii) Be regularly maintained and repaved;
(iv) Be of a hard, smooth surface suitable for bicycles;
(v) Be at least 5 feet wide for one-way traffic, or 8 feet wide for two-way traffic;
(vi) Be of a hard, smooth surface suitable for bicycles;
(vii) Be adequately lighted.
(3) Off-street bicycle lanes which are not reasonably suited for commuting to and from employment, educational, and commercial centers shall not be considered a part of this network.

(d) On or before October 1, 1974, the State of Maryland shall establish 25 percent of the total mileage of the bicycle lane network; on or before June 1, 1975, 50 percent of the total mileage shall be established; on or before July 1, 1975, 100 percent of the total mileage shall be established.

(e) On or before June 1, 1974, the State of Maryland shall submit to the Administrator a comprehensive study of a bicycle lane network to provide a sufficient number of safe and secure bicycle parking facilities at each station to meet the needs of its riders.

(f) On or before October 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish this network pursuant to paragraphs (c) and (g) of this section.

§ 52.1091 Medium-duty air/fuel control retrofit.

(a) Definitions:
(1) "Air/Fuel Control Retrofit" means a system or device (such as modification to engine to provide a catalytic crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbons and carbon monoxide from 1973 and earlier medium-duty vehicles of at least 15 and 30 percent, respectively.
(2) "Medium-duty vehicle" means a gasoline powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(b) This section is applicable in the Maryland portion of the National Capital Interstate AQR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before May 31, 1976, all medium-duty vehicles of model years prior to 1973 which are not required to be retrofitted with an oxidizing catalyst or other approved device pursuant to paragraph (b) of this chapter, which are registered in the area specified in paragraph (b) of this section, are equipped with an appropriate air/fuel control device or other device as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device. No later than February 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of any needed statutory proposals and regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and enforce the requirements of this section.

§ 52.1092 Metro area expansion.

(a) Definitions:
(1) For present bicycle riders, the origin, destination, frequency, travel time, and distance of bicycle trips.
(2) In high density employment areas, the present modes of transportation of employees and the potential modes of transportation of those not now using public transportation; including the number of employees who would convert to the bicycle mode from other modes upon completion of the bicycle lane network described in paragraph (c) of this section.

(b) A determination of the feasibility and location of on-street bicycle lanes.

(c) A determination of the feasibility and location of off-street bicycle lanes.

(d) The study shall make provision for the receipt of public comments on any matter within the scope of the study, including the location of the bicycle lane network described in paragraph (c) of this section.

(e) By June 1, 1974, in addition to the comprehensive study required pursuant to paragraph (d) of this section, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish this network pursuant to paragraphs (c) and (g) of this section.

(f) On or before July 1, 1974, the State of Maryland shall submit to the Administrator legally adopted regulations sufficient to implement and enforce all of the requirements of this section.

(g) On or before June 1, 1975, the State of Maryland shall require all owners and operators of parking facilities containing more than 50 parking spaces (including both free and commercial facilities) within the area specified in paragraph (b) of this section to provide spaces for the storage of bicycles in the following order: (1) mobile parking; (2) bicycle parking (with a bicycle parking facility) for the storage of bicycles for every 75 parking spaces for the storage of autos. 

(i) Bicycle parking facilities shall be so located as to be safe from motor vehicle traffic and secure from theft. They shall be properly repaired and maintained.

(j) The METRO Subway System shall provide a sufficient number of safe and secure bicycle parking facilities at each station to meet the needs of its riders.
(2) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(3) Designations of an agency responsible for ensuring that the provisions of paragraph (d) of this section are enforced.

(4) Provisions for beginning the installation of the retrofit devices by August 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1976.

(5) Methods and procedures for ensuring that those persons installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles for enforcement purposes) that the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1976, the State shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implemented pursuant to this section.

(g) The State may exempt any class or category of vehicles from this section which the State finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that air/fuel control retrofits or other devices approved pursuant to this section are not commercially available.

§ 52.1092 Heavy-duty air/fuel control retrofit.

(a) Definitions:

(1) “Air/Fuel Control Retrofit” means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbons and carbon monoxide from heavy-duty vehicles of at least 30 and 40 percent, respectively.

(2) “Heavy-duty vehicle” means a gasoline-powered motor vehicle rated at 10,000 lb gross vehicle weight (GVW) or more.

(3) All other terms used in this section that are defined in Part 51, Appendix N, are used herein with meanings so defined.

(b) This section is applicable within the Maryland portion of the National Capital Interstate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before May 31, 1977, all heavy-duty vehicles registered in the areas specified in paragraph (b) of this section are equipped with an appropriate air/fuel control retrofit or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide at least to the same extent as an air/fuel control retrofit. No later than April 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1975.

(d) No later than September 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and completing the installation of the device on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.1089 unless it has been first equipped with an approved air/fuel control retrofit or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control retrofit. No later than April 1, 1974, the State shall establish a retrofit program to ensure that on or before May 31, 1977, all heavy-duty vehicles registered in the areas specified in paragraph (b) of this section are equipped with an appropriate air/fuel control retrofit or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide at least to the same extent as an air/fuel control retrofit. No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing a program. The regulations shall include:

(5) Methods and procedures for ensuring that those persons installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles for enforcement purposes) that the time of device installation or some other positive assurance that the device is installed and operating correctly.

(7) The regulations shall include test procedures and failure criteria for implementing this provision.

(8) The State may exempt any class or category of vehicles from this section which the State finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that air/fuel control retrofits or other devices approved pursuant to this section are not commercially available.

§ 52.1093 Oxidizing catalyst retrofit.

(a) Definitions:

(1) “Oxidizing catalyst” means a device that uses a catalyst installed in the engine exhaust system (for example, the catalyst necessary includes an air pump) so as to achieve a reduction in exhaust emissions of hydrocarbons and carbon monoxide of at least 50 and 50 percent, respectively, from light-duty vehicles of model years 1975 through 1975 model years, and of at least 50 and 50 percent, respectively, from medium-duty vehicles of 1971 through 1975 model years.

(2) “Light-duty vehicle” means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.”

(3) “Medium-duty vehicle” means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(b) “Fleet vehicle” means any of 5 or more light-duty vehicles operated by the same person(s), business, or governmental entity and used principally in connection with the same or related occupations or uses. This definition shall also include any taxicab (or other light-duty vehicle-for-hire) owned by any individual or business.

(4) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Maryland portion of the National Capital Interstate AQCR.

(c) The State of Maryland shall establish a retrofit program to ensure that on or before May 31, 1977, all light-duty fleet vehicles of model years 1971 through 1975, and all medium-duty vehicles of model years 1971 through 1975 which are registered in the area specified in paragraph (b) of this section and are equipped with an appropriate oxidizing catalyst retrofit device, or other device, as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an oxidizing catalyst retrofit device. No later than April 1, 1974, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program.

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pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such data shall be no later than January 1, 1975.

§ 52.1094 Vacuum spark advance disconnect retrofit. (a) Definitions: (1) "Vacuum spark advance disconnect retrofit" means a device or system installed on a motor vehicle that prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears, or when the vehicle is traveling below a predetermined speed, so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from gasoline-powered light-duty vehicles of at least 25 and 9 percent, respectively.

(b) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(c) All other terms used in this section that are defined in Part 51, Appendix N, this chapter are used herein with meanings so defined.

(d) This section is applicable within the Maryland portion of the National Capital Interstate AQCR.

(e) The State of Maryland shall establish a retrofit program to ensure that on or before January 1, 1976, all light-duty vehicles of model years prior to 1968 registered in the area specified in paragraph (b) of this section are equipped with an appropriate vacuum spark advance disconnect retrofit device or other device, as approved by the Administrator, that will reduce exhaust emissions of hydrocarbon and carbon monoxide at least to the same extent as a vacuum spark advance disconnect retrofit. No later than February 1, 1977, the State of Maryland shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(f) No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the devices have the training and ability to perform the necessary tasks satisfactorily and have an adequate supply of retrofit components.

(3) Provisions for beginning the installation of the retrofit devices by January 1, 1976, and for completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(g) After May 31, 1977, no vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(h) Any vehicle which is manufactured equipped with an oxidizing catalyst, or which is certified to meet the original 1975 light duty vehicle emissions standards set forth in section 202(b)(1)(a) of the Clean Air Act of 1970 (without regard to any suspension of such standards), shall be exempt from the requirements of this section.

§ 52.2420 Identification of plan.

(a) Supplemental information was submitted on:

(1) May 4, 1972, by the Virginia Air Pollution Control Board:


(b) The Administrator hereby extends for two years the attainment dates for the national standards for carbon monoxide and photochemical oxidants in the Virginia portion of the National Capital Interstate Region.
§ 52.2423 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Virginia's plan for the attainment and maintenance of the national standards.

(b) With respect to the transportation control strategies submitted on April 11, May 30, July 9, and July 11, 1973, the Administrator approves the measures for the National Capital region for carpool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free parking by private employers, parking surcharge, inspection of vehicles, dry cleaning solvent use, and gasoline vapor recovery, with the exceptions set forth in §§ 52.2424, 52.2427, 52.2430, 52.2431, 52.2435, and 52.2436.

§ 52.2424 [Amended]

4. In § 52.2424, paragraph (b) is corrected by inserting the word "sufficient" before the words "interim control measures." 

5. In § 52.2427, paragraphs (a) and (b) are relocated as "reserved," paragraph (c) is amended by adding the following sentence at the end of the paragraph, and paragraph (d) is added to read as follows:

§ 52.2427 Source surveillance.

(a) [Reserved] (b) [Reserved] (c) * * * Rectifying provisions are promulgated in this section.

(d) Monitoring transportation sources.

1. This section is applicable to the Commonwealth of Virginia.

2. In order to assure the effective implementation of the carpool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free enrollment parking, and the parking surcharge approved in § 52.2423 and required by § 52.2441, and the retrofit devices required under §§ 52.2444, 52.2445, 52.2446, and 52.2447 the Commonwealth shall monitor the actual per-vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the Commonwealth of Virginia in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

3. In order to assure the effective implementation of the carpool locator, express bus lanes, increased bus fleet and service, elimination of free on-street commuter parking, elimination of free enrollment parking, and the parking surcharge approved in § 52.2423, the Commonwealth shall monitor vehicle miles traveled and average vehicle speeds for each area in which such sections are in effect during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the Commonwealth of Virginia in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table 1.

<table>
<thead>
<tr>
<th>Roadway type</th>
<th>Vehicle type (1)</th>
<th>Vehicle type (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway</td>
<td></td>
<td></td>
</tr>
<tr>
<td>arterial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>collector</td>
<td></td>
<td></td>
</tr>
<tr>
<td>local</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* * * * * * *

§ 52.2430 Legal authority.

(a) The requirements of § 51.11(c) of this chapter are not fully met because the plan does not adequately identify or provide copies of all laws or regulations necessary for implementing the transportation control measures.

(b) The requirements of § 51.11(c) of this chapter are not fully met because it is not clearly demonstrated that all local agencies have requisite legal authority, or that the State retains responsibility for implementing the transportation control measures.

§ 52.2431 Control strategy: Carbon monoxide and photochemical oxidants.

(a) The requirements of § 51.14(a) (1) (b) and (c) of this chapter are not met because the applicable measures in the transportation control plan are not adequate to attain the national standards in the National Capital region. Inadequate technical justification was provided for the claimed reductions in aircraft emissions, and no strategies were provided for these reductions.

(b) The requirements of § 51.14(a) (2) (iii) of this chapter are not fully met with respect to the expansion of the bus fleet and service because of lack of detail or agreements which will result in such expansion.

(c) The requirements of § 51.14(a) (2) (iv) of this chapter are not fully met because of the lack of an adequate schedule for bus acquisitions, for elimination of parking surcharge, elimination of free on-street commuter parking, and for elimination of free on-street commuter parking.

§ 52.2432 [Reserved] 9. Section 52.2432 is revoked and reserved.

§ 52.2434 [Reserved] 10. Section 52.2434 is revoked and reserved.

11. Section 52.2435 is added to read as follows:

§ 52.2435 Compliance schedules.

(a) The requirements of § 51.15 are not met for the measures for parking surcharge, elimination of free on-street commuter parking, elimination of free enrollment parking, increased bus fleet and service, and exclusive bus lanes. Provisions to implement the requirements of § 51.15 are promulgated in this section.

(b) With respect to the parking surcharge measure approved in § 52.2423,

(1) The Commonwealth of Virginia shall no later than June 30, 1974, submit to the Administrator for his approval a precise description of areas in which in the judgment of the Commonwealth will be adequately served by mass transit by June 30, 1975. The documentation and policy assumptions used to select these areas shall be included with this submission.

(2) The Commonwealth of Virginia shall by June 30, 1975, and each succeeding year submit to the Administrator for his approval a revised list of those areas which are adequately served by mass transit. Additional areas which in the Judgment of the Commonwealth is in the National Capital AQCR which are at that time adequately served by mass transit, and those areas which are not clearly demonstrated that all local agencies have requisite legal authority, or that the State retains responsibility for implementing the transportation control measures.

(3) Each political subdivision of the Commonwealth of Virginia which has jurisdiction over any area (or portion thereof) designated as adequately served by mass transit shall, no later than October 1, 1974, submit to the Administrator legally adopted regulations instituting the parking surcharge on all long term (6 hour) parking in all commercial parking facilities (except those which are used for residential parking) and all facilities subject to §§ 52.2435(d) and 52.2437 in those areas adequately served by mass transit within the control of such political subdivision. The parking surcharge shall be implemented and collected according to the following schedule:

<table>
<thead>
<tr>
<th>Time period</th>
<th>Affect ed area</th>
<th>VMT or average vehicle speed</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 1, 1974</td>
<td>Commonwealth of Virginia</td>
<td>Before March 1, 1974</td>
</tr>
<tr>
<td>March 1, 1974</td>
<td>Commonwealth of Virginia</td>
<td>After March 1, 1974</td>
</tr>
<tr>
<td>June 30, 1974</td>
<td>Commonwealth of Virginia</td>
<td>Before June 30, 1974</td>
</tr>
<tr>
<td>June 30, 1974</td>
<td>Commonwealth of Virginia</td>
<td>After June 30, 1974</td>
</tr>
<tr>
<td>September 30, 1974</td>
<td>Commonwealth of Virginia</td>
<td>Before September 30, 1974</td>
</tr>
<tr>
<td>September 30, 1974</td>
<td>Commonwealth of Virginia</td>
<td>After September 30, 1974</td>
</tr>
</tbody>
</table>

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June 30, 1975-Dec. 31, 1975 $0.00
January 1, 1976-June 30, 1976 $1.00
July 1, 1976-Dec. 31, 1976 $2.00
January 1, 1977-

All monies collected under this program shall be turned over to the appropriate political subdivision. All proceeds from this program shall be used for the expansion of or modification of existing mass transit facilities, or for the establishment of new transit service, in the Commonwealth of Virginia.

Any handicapped person who is unable to use mass transit service shall be subject to the surcharge. The surcharge shall not apply to any parking space located in such areas adequately served by mass transit within the Commonwealth of Virginia which is at least 25 or more commercial parking spaces located in those areas adequately served by mass transit within the Virginia portion of the National Capital Interstate AQCR.

A handicapped person who is unable to use mass transit service shall not be subject to the commercial parking rate. The commercial parking rate shall not apply to any employee parking begun before July 1, 1976. A surcharge will be required by paragraph (b) of this section. This program shall prohibit all parking for more than 2 hours on non-residents of the area subject to the surcharge. The parking spaces in the Virginia portion of the National Capital AQCR shall be designated as mass transit service.

(iii) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(iv) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(v) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(vi) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(vii) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(viii) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(ix) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(x) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(xi) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(xii) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(xiii) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(xiv) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(xv) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(xvi) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(xvii) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(xviii) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(xix) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(xx) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

(2) The Commonwealth of Virginia or by its local governments for the purchase of buses. This statement, when taken in conjunction with the commitments made by the District of Columbia and the State of Maryland, must be sufficient to enable WMATA to purchase in the fiscal year beginning the next July 1 the number of buses indicated below:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Buses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976-1977</td>
<td>175</td>
</tr>
<tr>
<td>1977-1978</td>
<td>150</td>
</tr>
<tr>
<td>1978-1979</td>
<td>150</td>
</tr>
</tbody>
</table>

The statement shall also indicate that WMATA has in fact committed to purchase that number of buses.

(f) With respect to the express bus lane measure approved in §52.2423:

(1) The Commonwealth of Virginia shall no later than January 1, 1975, establish exclusive bus lanes in the following corridors:


(ii) U.S. Route 50 from Seven Corners to the Virginia-District of Columbia boundary.

Such lanes shall be inbound during the morning peak period and outbound during the evening peak period.

(2) The Commonwealth of Virginia shall submit to the Administrator, no later than March 1, 1974, a schedule showing the steps which it will take to establish exclusive bus lanes in those corridors enumerated in paragraph (f) (1) of this section. Each schedule shall be subject to approval by the Administrator and shall include as a minimum the following:

(i) Identification of streets or highways that shall have portions designated for exclusive bus lanes.

(ii) The date by which each street or highway shall have been so designated.

(iii) Exclusive bus lanes must be prominently indicated by distinctively painted lines, pylons, overhead signs, or physical barriers.

(iv) Application for substitution of a corridor for any of those listed in paragraph (f) (1) of this section shall be made by the Commonwealth of Virginia for the Administrator's approval no later than March 1, 1974.

§52.2436 Rules and regulations.

(a) The requirements of §51.22 are not made applicable to charges for space and services for like facilities in the immediate vicinity of a Federal facility.

(b) "Commercial value" means a value which has commercial or institutional character and is representative of what space and services for like facilities in the immediate vicinity of a Federal facility.

(c) "Commercial facility" means a Federal department, agency, bureau, board, office, commission, district, or an instrumentality of the executive, legislative, or judicial branches of the Federal Government.

(d) "Commercial facility" means a Federal department, agency, bureau, board, office, commission, district, or an instrumentality of the executive, legislative, or judicial branches of the Federal Government that, in the judgment of both of them, shall no later than January 31, 1974, submit to the Administrator a statement, signed both by a representative of the Commonwealth of Virginia and by a representative of the Washington Metropolitan Area Transit Authority, stating that, in the judgment of both of them, financial commitments have been made by the Commonwealth of Virginia or by its local governments for the purchase of buses.
RULES AND REGULATIONS

§ 52.2438 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the Virginia portion of the National Capital Interstate AQCR.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of the organic compounds in displaced vapors.

(1) The vapor return portion of the system shall include one or more of the following:

(a) A vapor tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(b) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily adapted to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with § 52.2439.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight as defined in the Environmental Protection Agency regulation concerning the applicable vapor return line.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with vapor recovery systems or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refueling.

(iii) Gasoline storage compartments of one thousand gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this regulation will not be required to be retrofitted with a vapor return system until January 1, 1977.

(iv) The provisions of paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this section.

(3) Transfers made to storage tanks equipped with floating roofs or their equivalent.

(e) Every owner or operator of a stationary storage container or delivery vessel subject to this section shall comply with the following compliance schedule:

(1) April 1, 1974—Submit to the Administrator a written proposal for the construction or installation of emission control equipment.

(2) May 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) June 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) February 1, 1976—Complete on-site construction or installation of emission control equipment.

(5) March 1, 1976—Assure final compliance with the provisions of paragraph (e) of this section.

(f) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 31, 1974. The Administrator may require whatever supporting information he considers necessary for proper certification.

(2) To a source whose compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall be treated as provided in paragraph (e) of this section as far as possible. Any facility subject to this section which installs a storage tank after the effective date of this section shall comply with the requirements of paragraph (c) of this section as far as possible. Any facility subject to this section which installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.2439 Control of evaporative losses from the transfer of gasoline.

(a) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle; and

(2) To which the application of the compliance schedule in paragraph (c) of this section may consist of a vapor-tight return line from the fill nozzle-filler neck interface to the dist
pensing tank or to an adsorption, absorption, incineration, refrigeration-condensation system or its equivalent.

(e) Components or systems required by § 52.3430 may be used for compliance with paragraph (c) of this section.

(f) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features or a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner a system required by paragraph (c) of this section.

(g) Every owner or operator of a gasoline dispensing system subject to this section shall comply with the following compliance schedule:

(1) February 1, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) June 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) May 1, 1977—Complete on-site construction installation of emission control equipment or process modification.

(5) May 31, 1977—Assure final compliance with the provisions of paragraph (c) of this section.

(h) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) Paragraph (g) of this section shall not apply to:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by January 31, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by January 31, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. Any such schedule shall provide for certification to the Administrator, within 5 days after the deadline for each increment therein, as to whether or not that increment has been met. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (g) of this section fails to satisfy the requirements of §§ 51.15 (b) and (c) of this chapter.

(5) Any gasoline dispensing facility subject to this section which installs a gasoline dispensing system after the effective date of this section shall comply with the requirements of paragraph (c) of this section by May 31, 1977, and prior to that date shall comply with paragraph (g) of this section as far as possible. Any facility subject to this section which installs a gasoline dispensing system after May 31, 1977, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.2440 Control of dry cleaning solvent evaporation.

(a) Definitions:

(1) "Dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(2) "Organic solvents" means organic materials, including diluents and thinners, which are liquids at standard conditions and which are used as solvents, viscosity reducers, or cleaning agents.

(3) "Photochemically reactive solvent" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified as reactive in the following individual percentage composition limitations, as applied to the total volume of solvent.

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenylene: 8 percent;

(iii) A combination of ethylbenylene or ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

(b) This section is applicable to the Virginia portion of the National Capital Interstate AQCR.

(c) In connection with the light-duty vehicle inspection and maintenance program for the area specified in paragraph (b) of this section, approved by the Administrator pursuant to § 52.2423, the Commonwealth of Virginia shall establish an inspection and maintenance program applicable to light-duty vehicles registered in any area specified in paragraph (b) of this section that operate on public streets or highways over which it has ownership or control. The Commonwealth may exempt any class or category of vehicles that the Commonwealth finds is rarely used on public streets or highways (such as classic or antique vehicles). No later than April 1, 1974, the Commonwealth shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Provisions for inspection of all medium-duty and heavy-duty motor vehicles at periodic intervals no more than 1 year apart, by means of an idle emission test.

(2) Provisions for inspection failure criteria consistent with the failure of 20 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive, within two weeks, the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities, resort of failed vehicles following maintenance, use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and use of such other measures as may be necessary or appropriate.
(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and maintenance program. In such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging. This program shall include appropriate penalties for violation.

(5) Provisions for beginning the first inspection cycle by January 1, 1975, and completing it by January 1, 1976.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After January 1, 1976, the Commonwealth shall not register or allow to operate on public streets or highways any medium-duty or heavy-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After January 1, 1976, no owner of a medium-duty or heavy-duty vehicle shall operate or allow the operation of such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The Commonwealth of Virginia shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(i) The text of needed statutory proposals and regulations that will propose for adoption.

(ii) The date by which the Commonwealth will recommend needed legislation to the legislature.

(iii) The date by which necessary equipment will be ordered.

(iv) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of the needed legislation shall be submitted.

§ 52.2442 Bicycle lanes and bicycle storage facilities.

(a) Definitions:

(1) "Bicycle" means a two-wheel, nonmotor powered vehicle.

(2) "Bicycle lane" means a route for the exclusive use of bicycles, either constructed specifically for that purpose or converted from an existing lane.

(3) "Bicycle parking facility" means any storage facility for bicycles, which allows them to be locked securely.

(4) "Parking space" means the area allocated by a parking facility for the temporary storage of one automobile.

(b) This section shall be applicable in the Commonwealth of Virginia portion of the National Capital Interstate Air Quality Control Region.

(c) On or before July 1, 1976, the Commonwealth of Virginia shall establish a network of bicycle lanes linking residential areas with employment, educational, and commercial centers in accordance with the following requirements:

(1) The network shall contain no less than 60 miles of bicycle lanes in addition to any in existence as of November 20, 1973.

(2) Each bicycle lane shall have a minimum width of 8 feet wide whether one-way or two-way.

(3) The Commonwealth of Virginia shall require, no later than February 1, 1974, the receipt of public comments on any matter within the scope of the study, in addition to the comprehensive study required pursuant to paragraph (d) of this section. The Commonwealth of Virginia shall submit to the Administrator a comprehensive survey, which shall at a minimum determine:

(i) The number ofFade to text.
§ 52.2444 Medium duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/Fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reductions in exhaust emissions of hydrocarbon and carbon monoxide from 1975 and earlier medium-duty vehicles of at least 15 and 30 percent, respectively.

(2) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Virginia portion of the National Capital Interstate AQCR.

(c) The Commonwealth of Virginia shall establish a retrofit program to ensure that on or before May 31, 1976, all medium-duty vehicles of model years prior to 1973 which are not required to be retrofitted with an oxidizing catalyst or other approved device pursuant to § 52.2446, which are registered in the area specified in paragraph (b) of this section, are equipped with an appropriate Air/Fuel Control device or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbon and carbon monoxide to the same extent as an air/fuel control device.

(d) No later than April 1, 1974, the Commonwealth shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the Commonwealth proposes for adoption.

(e) No later than September 1, 1974, the Commonwealth shall submit to the Administrator a detailed retirement program to serve the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the Commonwealth proposes for adoption.

(f) After May 31, 1976, the Commonwealth shall not register or allow to operate on its streets and highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(g) The Commonwealth may exempt any class or category of vehicles from this section which the Commonwealth finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the Commonwealth demonstrates to the Administrator that air/fuel control devices or other devices approved pursuant to this section are not commercially available.

§ 52.2445 Heavy duty air/fuel control retrofit.

(a) Definitions:

(1) "Air/Fuel Control Retrofit" means a system or device (such as modification to the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air/fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from 1975 and earlier medium-duty vehicles of at least 30 and 40 percent, respectively.

(2) "Heavy duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb gross vehicle weight or more.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the Virginia portion of the National Capital Interstate AQCR.

(c) The Commonwealth of Virginia shall establish a retrofit program to ensure that on or before May 31, 1977, all heavy duty vehicles registered in the area specified in paragraph (b) of this section are equipped with an appropriate air/fuel control device or other device approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an air/fuel control device.

(d) No later than April 1, 1974, the Commonwealth shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the Commonwealth proposes for adoption.

(e) No later than September 1, 1974, the Commonwealth shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the Commonwealth proposes for adoption.

(f) After May 31, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(g) The Commonwealth may exempt any class or category of vehicles from this section which the Commonwealth finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the Commonwealth demonstrates to the Administrator that air/fuel control devices or other devices approved pursuant to this section are not commercially available.

§ 52.2446 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device that uses a catalyst installed in the exhaust system of a vehicle (and if necessary an air pump) so as to achieve reduction in exhaust emissions...
of hydrocarbon and carbon monoxide of at least 50 and 50 percent, respectively, from light-duty vehicles of 1971 through 1975 model years, and of at least 50 percent, respectively, from medium-duty vehicles of 1971 through 1975 model years.

"Light-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb gross vehicle weight (GVW) or less.

"Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

"Fleet vehicle" means any of 5 or more light-duty vehicles operated by the same person(s), business, or government entity and used principally in connection with the same or related occupations or uses. This definition shall also include any taxicab (or other light-duty vehicle-for-hire) owned by any individual or business.

All other terms used in this section that are defined in Part 51 are used herein with meanings so defined.

This section is applicable within the Virginia portion of the National Capital Interstate AQCR.

The Commonwealth of Virginia shall establish a retrofit program to ensure that on or before May 31, 1977, all light-duty fleet vehicles of model years 1971 through 1975 and medium-duty fleet vehicles of model years 1971 through 1975 which are registered in the area specified in paragraph (b) of this section and are able to operate on 91 RON gasoline, are equipped with an appropriate oxidizing catalyst retrofit device or other device as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an oxidizing catalyst retrofit device. No later than April 1, 1974, the Commonwealth of Virginia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the Commonwealth proposes for adoption.

The compliance schedule shall also include a date by which the Commonwealth shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

No later than January 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission test provided for by §§52.2432 and 52.2441 unless it has been first equipped with an approved oxidizing catalyst device, or other device approved pursuant to this section, the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

After May 31, 1977, the Commonwealth shall establish a retrofitter program to ensure that 1971 through 1975 and medium-duty vehicles of model years 1971 through 1975 and earlier light-duty vehicles of at least 25 and 9 percent, respectively.

"Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

All other terms used in this section that are defined in Part 51, Appendix N, are used herein with meanings so defined.

This section is applicable within the Virginia portion of the National Capital Interstate AQCR.

The Commonwealth of Virginia shall establish a retrofit program to ensure that on or before January 1, 1976, no owner of medium-duty vehicles of model years prior to 1968 registered in the area specified in paragraph (b) of this section are equipped with an appropriate vacuum spark advance disconnect retrofit device or other device as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as a vacuum spark advance disconnect retrofit device. No later than February 1, 1974, the Commonwealth of Virginia shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section, including the text of statutory proposals, regulations, and enforcement procedures that the Commonwealth proposes for adoption.

Methods and compliance schedule shall also include a date by which the Commonwealth shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

No later than April 1, 1974, the Commonwealth shall submit legally adopted regulations to the Administrator establishing a such a program. The regulations shall include:

Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

Designation of an agency responsible for ensuring that the provisions of paragraph (d) of this section are enforced.

Provisions for beginning the installation of the retrofit devices by January 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than January 1, 1976.

A provision that starting no later than January 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emission test provided for by §§52.2432 unless it has been first equipped with an approved vacuum spark advance disconnect retrofit device, or other device approved pursuant to this section, the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation, or some other positive assurance that the device is installed and operating correctly.
to operate on its streets or highways any light-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After January 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(g) The Commonwealth may exempt any class or category of vehicles from this section which the Commonwealth finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the Commonwealth demonstrates to the Administrator that vacuum spark advance disconnect devices or other devices approved pursuant to this section are not commercially available.

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ENVIRONMENTAL PROTECTION AGENCY

FUEL REGULATIONS

Control of Lead Additives in Gasoline
Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY
PART 80—REGULATION OF FuELS AND FUEL ADDITIVES

Control of Lead Additives in Gasoline

On February 23, 1972 (37 FR 3882), the Administrator proposed regulations providing for the general availability of lead-free gasoline by July 1, 1974 and a reduction in the lead content of leaded gasoline from 0.2 grams per gallon, as of July 1, 1977. The lead-free gasoline regulations were proposed primarily to ensure the availability of lead-free fuel for use in automobiles designed to meet Federal emission standards with lead-sensitive emission control devices. The Agency recognized that these regulations would also result in a reduction in lead emissions from the new automobile segment of the vehicle population, which would be equipped with those devices. However, based on public health considerations, it was considered necessary to propose a reduction in the lead content of leaded grades of gasoline.

After consideration of the information provided during public hearings and an extended comment period, as well as additional information on the health effects of airborne lead and the adverse effects of lead on emission control devices, the Administrator determined that the two regulations should be dealt with separately. On January 10, 1973, the Administrator proposed regulations to establish a precise level of airborne lead, based on the conclusions of the Agency's evaluation that there is a health basis for reducing the lead content of gasoline. The resulting new health policy described in the original health effects publication sets forth the Agency's judgment that reductions in lead usage from base 1971 by 80 percent, and generally maintain the reduction in lead through 1979. The various averaging systems prescribed lower allowable lead content levels, but the overall amount of lead used in gasoline would equal the lead usage expected to result from use of leaded grades of gasoline.

The leaded gasoline regulations were reproposed because the Agency's position on the health effects associated with lead emissions changed substantially. The Administrator determined that it was difficult, if not impossible, to establish a precise level of airborne lead as an acceptable basis for a control strategy. The original health effects analysis was revaluated in view of this finding. The resulting new health policy sets forth the Administrator's evaluation that there is a health basis for reducing the lead content of gasoline. The lead exposure problem is caused by a combination of sources including food, water, air, leaded paint, and dust. The aggregate contribution of lead from the other sources which are additive sources whose importance varies considerably among individuals it is likewise difficult to determine what percentage of the problem each separate environment or additive contributes to the health issue. Environmental lead exposure is a major health problem in this country. A small but significant portion of the urban adult population and up to 35 percent of children in urban areas are overexposed to lead. The lead exposure problem is caused by a combination of sources including food, water, air, leaded paint, and dust. The aggregate contribution of lead from the other sources which are additive sources whose importance varies considerably among individuals it is likewise difficult to determine what percentage of the problem each separate environment or additive contributes to the health issue.

Health implications of airborne lead—Introduction. The joint effort will be made by the Agency, OSHA, and the Department of Health, Education and Welfare to further examine lead exposure to determine what additional regulation is necessary. Statutory basis. Section 211(c)(1) of the Clean Air Act authorizes EPA to "control or prohibit the manufacture, introduction into commerce, offering for sale, or sale of any fuel or fuel additive for use in a motor vehicle engine * * * if any emission product of such fuel or fuel additive will endanger the public health or welfare". The legislative intention in the use of leaded additives in gasoline to achieve a significant reduction in lead emissions from motor vehicles by 1978 is based on the finding that lead particle emissions from motor vehicles present a significant risk of harm to the health of urban populations, particularly to the health of city children. It is the Administrator's view that the statutory language quoted above does not require a determination that automobile emissions alone create the endangerment on which controls may be based. Rather, the Administrator believes that in providing this authority, the Congress was aware that the public's exposure to harmful substances is caused by a number of sources which may have varying degrees of susceptibility to control.

Health implications of airborne lead—Introduction. The contribution of automobile lead exhausts to the country's lead exposure problem is complex and controversial. In order to complete a fair assessment of this problem, EPA has made an effort to obtain and review all the medical and scientific evidence. The Agency has repeatedly requested information and comments from the medical and scientific communities. The health implications of airborne lead are of such concern that this paper is available from the Publications Section, Environmental Protection Agency, 401 M Street SW, Room 238W, Washington, D.C. 20460.

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The reproposed reduction schedule was designed to accomplish 60–65 percent decrease in lead usage from base 1971 by supplementing the projected increasing use beginning in 1974 of lead-free gasoline by new automobiles with catalytic lead-sensitive emission control systems. The schedule promulgated below is designed to achieve the targeted decrease, and generally maintain the reproposed average lead contents for the leaded grades of gasoline.

The Administrator's judgment is that the promulgated reduction schedule is reasonable from the standpoint of economic and technological feasibility. While implementation of this schedule is reducing lead content of gasoline, a joint effort will be made by the Agency, OSHA, and the Department of Health, Education and Welfare to further examine lead exposures from automobile exhausts, to determine what additional regulation is necessary.

Lead from gasoline accounts for approximately 90 percent of airborne lead. Total lead additive usage being well over 200,000 tons a year. Lead from stationary sources is the most ubiquitous source of lead found in both the air and the dirt and dust in urban areas. Human exposure to this lead takes place by in-
halation and by ingestion of dirt and dust contaminated by air lead fallout. Since exposure to lead among the general population is a widespread and probably a reasonable that efforts be made to reduce preventable sources of lead exposure including lead emissions resulting from lead in gasoline.

Many of those disagreeing with the reposed regulations based their comments on EPA's failure to show sufficient evidence of adverse health effects specifically caused by the use of lead additives in gasoline, while most agree that the combustion of leaded gasoline causes an increase in the amount of lead in the environment, they do not believe that lead in gasoline represents a significant endangerment to health or a sufficient risk to the environment to warrant promulgation of controls. The arguments against the position set forth in EPA's reposed regulations include the following: (1) EPA has failed to show a clear correlation between lead levels in the air and the blood of exposed individuals; (2) lead from dust and dirt does not represent a significant threat to the general population. EPA may also be the primary cause of childhood lead poisoning and lead in gasoline does not play an important role in lead poisoning or excessive lead exposure; (4) lead in food and water, and not airborne lead, are the principal sources of lead to the general population.

A discussion of the four major areas of criticism and a summary of the significant new information received since the regulations were reposed are provided below.

1. Is there a correlation between air lead levels and blood lead levels? A portion of the comments received were critical of EPA's reposed regulation on the basis that consistently strong correlations have not been found between air lead and blood lead levels. The conclusion expressed by many comments is that differences in smoking intensity and other factors bring in close contact with environmental lead exposure to airborne lead does not contribute to increased blood lead levels and does not pose a significant threat to health.

These comments cite several studies which did not demonstrate a strong correlation between airborne lead and blood lead levels. For example, the Seven Cities Study did not show a close correlation between increase in blood lead levels and simultaneous increase in airborne lead levels. Blood lead levels were lower among the New York City residents than the Philadelphia residents, despite the fact that air lead exposures among the New York residents were actually greater than those in Philadelphia. Also cited as evidence against EPA's position is the observation that despite significant increases in the use of lead in gasoline in recent years there have been no discernible increases in blood lead levels of populations so exposed.

Differential differences in blood lead levels were slight compared to differences in air lead exposures. For example, studies of primitive populations, as well as studies of rural U.S. populations, have shown that the blood lead levels in some of these groups are as high or higher than those of persons living in industrial areas, even though the air lead levels in these rural areas should have been much lower. A comparison between London day and night taxi drivers has also shown no significant differences in blood lead levels but did find differences in exposure to carbon monoxide suggesting that despite the possibility that air lead exposure in the day may have been higher, there was a significant reflected in blood lead increases. However, differences in smoking intensity, as well as actual differences in air lead exposure between groups, could explain these results and confounding the measure.

In summary, a number of comments have criticized EPA's position on the basis that there is not a good correlation between air lead exposure and blood lead levels.

The Agency has weighed against these criticisms studies which have shown that airborne lead does contribute significantly to lead exposure in the general population. For example, using a pilot lead isotope approach, preliminary data show that airborne lead at 2 g/m2 has a magnitude of as much as 1/2 to total lead exposure in man. This result is consistent with data from other studies which show airborne particles in the pulmonary tract and the absorption of such particles into the bloodstream.

An unpublished study in Japan similar to the Seven Cities Study, but which has not yet been completely analyzed, has preliminarily demonstrated that airborne lead exposures below 1 ug/m2 affect blood lead levels.

Chamber studies in carefully controlled environments, have shown significant increases in blood lead of men exposed to air lead slightly greater than 3 ug/m2.

Differences in blood lead levels between urban and suburban residents in the Seven Cities Study have been found. When comparable groups with similar lead intakes from other sources besides air were studied, blood leads were consistently higher in urban areas and near highways where air lead concentrations were greatest. Thus while correlations between blood lead and air lead at lower exposure levels are not always good, the evidence indicates that air lead contributes to general population lead exposure.

Failure to find consistent correlations does not invalidate the above conclusions. Studies have come to contrary conclusions. Conclusions have generally failed to take into account the influence of other sources of lead on blood lead levels in people being studied. In the Seven Cities Study, for example, these other sources of lead influencing blood lead levels were not adequately considered in the blood lead-air lead comparisons. EPA has reanalyzed the Seven Cities Study and has found that airborne lead was a significant factor, though not the most influential factor, affecting blood lead levels. Further, in the Seven Cities Study, urban-suburban differences in blood lead between comparable groups were consistently found which at least in part reflect differences in air lead exposures.

In summary, absorption of air lead does contribute to total lead exposure and when added to lead from other sources such as food and water results in total exposure in children. Thus the partial removal of lead from the air will help to reduce the degree of excess lead exposure which currently exists among adults and children in the United States. The Agency also believes that lead poisoning in children? Many comments received by the Agency express the view that the primary cause of lead poisoning in children is ingestion of lead-based paint. These comments cite X-ray studies of children where lead poisoning as showing paint chips in the majority of instances. Argues that differences in blood lead levels between Black and Puerto Rican children are not significantly different to different quantities of lead in dust. Further, studies have shown that animals do not absorb lead from dust as readily as they absorb lead from paint.

Comments have criticized the Agency for considering that the El Paso Study supports the dustfall hypothesis related to lead in gasoline. In the El Paso Study, children living near a leadsmelter were examined for airborne lead exposure as sources of lead in their environment. These results showed that children living near the smelter had the highest blood lead levels and that dust lead was a probable major cause. Many commentators, however, considered the El Paso Study applicable only to stationary lead sources and not to lead in gasoline which is different in particle size and chemical composition from smelter-emitted lead.

EPA recognizes the importance of leaded paint as a source of lead exposure for children and that it is the primary cause of clinical lead poisoning. However, based on the evidence available to EPA, it does not believe that leaded paint is the only significant source of lead contributing to excessive lead exposures in children. The Agency's position is that numerous sources contribute to childhood exposure including lead in food, water, air, dust, and paint as well as paint. Among these sources, contaminated dust and dirt from motor vehicles exhausts are believed to be important exposure routes.

Currently, the contention that lead contamination of dust and dirt by automotive emissions is a significant source of lead does bear a hypothesis consistent with information provided by a vari-
It should be noted that the majority of studies reporting high levels of lead in dust and dirt did not associate sources of lead in lead-contaminated dust with lead sources with the lead dust measurements. Accordingly, the Agency believes that in most circumstances lead from automobile exhaust is the primary source of lead in inner-city areas.

C. The general environment of urban children commonly includes dirt and dust contaminated with lead. A large percentage of children, especially between the ages of one and three years, are known to ingest non-food objects in their mouths. It has been demonstrated that children living in high dust lead environments have greater quantities of lead on their tongues and lead content of fingernails and blood lead specimens taken from these children.

D. Children who ingest leaded dust and dirt can be expected to absorb 5 to 10 percent of the lead in their bodies. Though it is difficult to determine the precise amount of lead that would be absorbed, animal experiments suggest that appreciable quantities of this lead, whether from smelters, paint or gasoline exhaust, are absorbed. Further, it has also been shown that at least some children residing in environments heavily contaminated with leaded dust and dirt absorb enough to suffer from subclinical and even clinical effects of lead over-exposure. This was particularly true in the case of El Paso, mentioned above. Various studies indicate that children residing in homes near high soil lead concentrations had a greater frequency of lead poisoning than children residing in less contaminated areas. This statement is true from soil lead was absorbed, although it is not clear what sources were primarily responsible for those high soil lead levels. It should be further noted that instances such as these, above, coupled with known high levels of lead in dirt and dust, indicate that children could easily ingest enough lead by this route to be significant.

E. Various studies indicate that cases of lead poisoning and significant over-exposure are not always associated with urban home environments in which sources of peeling or chipping lead paint are suspected, but not proven beyond doubt, and that lead exposures below those sufficient to cause clinical symptoms in children are also harmful. In particular it has been observed that physiologically significant biochemical changes occur in children with excessive exposures below clinical toxicity and it has been proposed that these changes are reflective of subclinical changes that precede overt lead poisoning. More specifically, information, although often completely resolving this issue, supports the view that adverse effects due to lead in children are not confined only to situations in which overt clinical symptoms of lead poisoning occur. Included in these findings are increased subclinical neurological impairments among children more highly exposed to lead levels known to cause clinical disease.

III. Will a reduction of lead in gasoline reduce the incidence of clinical lead poisoning in children? Ingestion of peeling paint has long been recognized as the primary cause of clinical lead poisoning in children. This position has been expressed in many comments received by the Agency including those from several national associations in the field of Pediatrics. For this reason, numerous comments have questioned the need to reduce lead in gasoline on the basis that the groundwater from soil sources, contribute to the development of clinical lead poisoning in children.

While EPA recognizes the importance of leaded paint as a source of lead for children and has supported governmental efforts to reduce this risk, the findings of several studies suggest that lead poisoning may develop in the absence of significant sources of leaded paint. Though this possibility does not affirm that reducing lead in gasoline will reduce the incidence of lead poisoning; in children, it indicates that lead in gasoline may, in conjunction with other non-leaded paint sources, contribute to the development of clinical lead poisoning. When combined with the reduction in gasoline, leaded paint exposure will result in significantly reduce lead exposure among children.

EPA is also concerned about the probability that children exposed to lead at...
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levels below those associated with clinical poisoning are also being adversely affected. Several effects identified as subclinical lead effects include impairment of fine motor functions, and altered behavior.

It is noteworthy that in a significantly large percentage of excessive lead exposure cases (20 percent to 50 percent of the instances) peeling lead paint in the home cannot be identified as a source of the exposure. Thus, while leaded paint is recognized as the major cause of childhood lead exposure, it is not clear that leaded paint is singly responsible for the large degree of excess childhood lead exposure in this country.

IV. Excess lead exposure among the general population could result from a combination of lead sources, not one of which by itself is sufficient to be a problem. Under these circumstances, would it not be preferable to formulate a control strategy based upon reducing lead levels among those sources that contribute the most to this total exposure? It is generally agreed that food is the major source of lead to the general population. World Health Organization expert committee reports that according to the results of total diet studies in industrialized countries, the total intake of lead from food generally ranges from 200-200 ug per person per day. WHO further states that based upon available data, these levels are similar to those found in the past 30-40 years and that no upward trend in food is evident.

This information suggests that the level of lead in food has remained relatively constant in recent times. Though lead in food would certainly contribute to total lead exposure, the health risks associated with food are probably not the source that is most readily reduced in the event that total exposure to lead is excessive. According to WHO, any increase in the amount of lead derived from drinking water or inhaled from the atmosphere will reduce the amount that can be tolerated in food. The lead in air is probably the contribution that is most amenable to reduction. One environmental body burden of lead, especially where this fraction is large compared with that absorbed from food.

V. What new information has become available since proposal of the regulation and as a result of the additional comment period? The majority of comments addressed the evidence presented by EPA in support of its proposed regulation and as a result of the additional comment period. The number of comments received were approximately evenly divided between those in favor and those against. The bulk of comments critical of EPA's health position was submitted by industry or industry affiliated scientists. Independent scientists who commented, not affiliated directly with the industry or environmental groups, were in favor of the regulation. The majority of these comments are not new evidence. Most new data that either was presented in comments or which subsequently became available to EPA does support the need to reduce lead emissions from automobiles. Among these latest data are the following:

(1) Studies of subclinical lead effects in children continue to suggest that fine motor function and behavior are affected. Though this issue is not completely resolved, EPA is beginning to emphasize the potential subclinical risk.

(2) It has been reaffirmed that high dust lead levels, up to 1% lead content, have been found in children's play areas, inside houses. Lead dust is not always associated with peeling paint and that house dust lead levels are higher in urban than suburban homes. A study in Vermont has shown that higher concentrations of lead in house dust are found in homes located near busy roads compared to homes on sidestreets. This latter point is consistent with the previously known finding that dust lead content increases with increased distance from roadways. A study by EPA in New York City indicates that higher household dust and soil lead levels are found in areas with lead from street air as compared to areas with little lead fallout.

(3) New evidence reaffirms that high dust lead levels can be caused by leaded gasoline. A recent study in Rochester, New York, demonstrates that high dust lead levels in homes are not always associated with peeling paint and that house dust lead levels are higher in urban than suburban homes. A study in Vermont has shown that higher concentrations of lead in house dust are found in homes located near busy roads compared to homes on sidestreets. This latter point is consistent with the previously known finding that dust lead content increases with increased distance from roadways. A study by EPA in New York City indicates that higher household dust and soil lead levels are found in areas with lead from street air as compared to areas with little lead fallout.

(4) Young children living in homes with high dust lead contents have been found to have more lead on their hands than children in homes with low dust lead content. This finding provides an important link in the study of lead in dust in the hypothesis that the content is consistent with observations in biological specimens taken from children are routinely contaminated by lead that is present on the fingers.

(5) Studies continue to indicate that a high degree of exposure to environmental lead is not confined to inner city areas. Cases of over-exposure continue to be reported from areas in which lead paint was expected to be the predominant factor.

(6) Studies from Newark, New Jersey, observed that the frequency of lead poisoning and undue lead exposure is doubled among children living close to major roadways compared to children living farther away.

Other means of achieving lead reductions. Before prescribing regulations based on public health consideration, the administrator of the Environmental Protection Agency must consider "other technological or economically feasible means of achieving emission standards under section 202." Thus, if EPA determined that lead reduction from motor vehicles is necessary for protection of public health or welfare, the feasibility of achieving such a reduction under section 202 (new motor vehicle emission standards) must be considered.

The primary alternative to the use of lead additive regulations to achieve reduction in lead emissions would be to impose a lead emissions standard which would result in the installation of "lead traps" on motor vehicles. The possibilities of incorporating this alternative, however, are limited by the existing legal and technical realities.

EPA does have the authority to impose a lead emissions standard on new vehicles which would result in the use of lead traps. The earliest that such a regulation could be imposed, however, would be 1976. EPA believes that the large number of vehicles in circulation, plus manufacturers are expected to use lead sensitive emissions control systems to meet the Federal emissions standards until 1981. Large new vehicles in this period would be expected to use lead sensitive emissions control systems to meet the Federal emissions standards until 1981.

Lead traps cannot be used successfully on the vast majority of new vehicles and the Agency is legally incapable of requiring such traps on all in-use vehicles. The use of lead traps cannot be used successfully on the vast majority of new vehicles and the Agency is legally incapable of requiring such traps on all in-use vehicles.

The Clean Air Act does not authorize EPA to establish national emission standards on in-use vehicles. Since lead traps cannot be used successfully on the vast majority of new vehicles and the Agency is legally incapable of requiring such traps on all in-use vehicles, the use of lead traps is not currently feasible.

Despite the legal authority obstacle EPA has examined the technological capabilities available and has determined the regulation of lead additive use is the preferable method of controlling lead emissions.

The Administrator has expressed that the control of lead additives may result in the use of other gasoline components or additives which may also have an adverse impact on health. EPA has evaluated the potential use of other additives or greater percentages of certain gasoline components in conjunction with the lower lead levels. This evaluation has been performed in recognition of the Agency's responsibility to assess the environmental consequences of its actions. (See Judge Leventhal's opinion in Portland Cement Co. v. Ruckelshaus, 5 ERC 1593, 1599, U.S. App. D.C. (1973)).
sions from the general motor vehicle population and the effects of these emissions on health. EPA has also considered the impact of the regulations on particulate emissions.

A. Impact due to increased use of aromatics. The implementation of the promulgated and reproposed lead regulations will result in a 5 to 7 percent increase in the average aromatic content of gasoline. Concern has been expressed that this increase will cause a complementary increase in emissions of aromatic hydrocarbons and in the quantity of polynuclear aromatic emissions from the motor vehicle population. EPA has determined that neither the reactivity of aromatics nor the atmospheric levels of automobiles would increase above current levels due to the lead regulations.

Emissions reactivity. Gasoline is composed of the general types of hydrocarbons: aromatics, olefins, and paraffins. Aromatics and olefins are highly reactive and facilitate the formation of photochemical smog. Assuming no hydrocarbon emissions from stationary sources such as petroleum refineries and coke ovens, hydrocarbon emissions are linearly related to the aromatic content of gasoline. Olefin emissions are directly related to the olefin and paraffin content of gasoline. The increase in the aromatic content of gasoline is accompanied by a decrease in the paraffin and olefin content. Consequently, reactive aromatic emissions increase in direct proportion to the aromatic content of gasoline. In the automotive population, the increase in aromatic emissions is linearly related to the aromatic content of gasoline. Olefin emissions are directly related to the olefin and paraffin content of gasoline. The increase in the aromatic content of gasoline is accompanied by a decrease in the paraffin and olefin content. Accordingly, the increase in the aromatic content in gasoline will not have a significant impact on automobile emissions reactivity.

The lack of increase in exhaust reactivity due to increased use of aromatics has been verified in smog chamber studies completed by the Bureau of Mines with EPA. It should be noted that aromatic emissions from the automobile population will continue to decrease as vehicles with increasingly stringent hydrocarbon emission control systems replace older uncontrolled vehicles on the road.

A detailed analysis estimating exhaust reactivity and the effect of the EPA fuel regulations has been conducted and reported by Dr. A. P. Alcheller in "Effects of Reduced Use of Lead in Gasoline on Vehicle Emissions and Photochemical Reactivity," February, 1972. This paper is available from the Environmental Protection Agency's Office of Public Affairs, Publications Section, Room 238 W, 401 M Street, SW., Washington, D.C. 20460.

Polynuclear aromatic emissions. Polynuclear aromatic hydrocarbons (PNA) are carcinogenic and are primarily caused by hydrocarbon emissions from stationary sources such as petroleum refineries and coke ovens. Currently automobile emissions account for less than 2 percent of total PNA emissions.

Polynuclear aromatic emissions from the general automobile population have been steadily declining since the introduction of hydrocarbon emission controls in 1968. Due to the continued substitution of older uncontrolled vehicles from the road and the introduction of new vehicles with stringent hydrocarbon controls, PNA emissions should be reduced by more than 75 percent from current levels by 1980. This assumes the implementation of both the promulgated lead-free and reproposed low-lead regulations. The implementation of the Federal standards with the lead regulations as compared to without the lead regulations will not produce an aromatic content in gasoline which would favor the use of manganese additives. The examination concluded that since the regulations will not produce an aromatic content in gasoline which would favor the use of manganese additives, EPA has authority to regulate the use of manganese in gasoline. EPA has also considered the impact of the regulations on particulate emissions. The implementation of the Federal standards with the lead regulations will result in a 5 to 7 percent increase in the average aromatic content of gasoline. Concern has been expressed that this increase will cause a complementary increase in the reactivity of aromatic hydrocarbons and in the quantity of polynuclear aromatic emissions from the motor vehicle population. EPA has determined that neither the reactivity of aromatics nor the atmospheric levels of automobiles would increase above current levels due to the lead regulations.

B. Particulate emissions from unleaded fuel. Exhaust particulate resulting from the use of leaded and lead-free gasoline has been extensively examined. Examinations concluded that since lead additives account for a major portion of exhaust particulates, the use of a gasoline without lead additives substantially decreases particulates emissions. This conclusion is true for vehicles equipped with emission control devices as well as uncontrolled automobiles.
gasoline until additional studies are completed. However, at this time, the use of manganese additives is judged not to pose as significant a risk to health as that from lead additives.

Cost and energy impacts. Recently EPA has worked with Bonner and Moore Associates to complete a study based on updated information of the impacts associated with the reproposed leaded grade regulations. This study separates the potential costs and energy impacts of the low-lead regulations never have a significant impact on fuel economy. In 1980 if 75 percent of all motor vehicles manufactured after 1975 will be equipped with emission control systems capable of tolerating leaded gasoline. The second case assumed an ever increasing portion of the vehicles produced during model years after 1975 will be equipped with emission control systems capable of tolerating leaded gasoline. The second case assumed that by the 1985 model year all new vehicles will have emissions control systems which will accept unleaded fuel. Based on this new data, EPA has calculated the annual consumer costs attributable to the low-lead regulations. The model incorporates the increased costs of raw stocks, as well as increased costs of refining and production costs at the refinery. During 1980, capital investment in the refinery industry is predicted to be roughly $300 million. The low-lead regulation will force the industry to invest an additional $82 million. If a lead-tolerant technology is gradually phased in and thus more leaded gasoline is used, the incremental investment in lead tolerant systems would be $113 million. This figure will increase the cost of producing gasoline by less than 1¢ per gallon.

Recently, much concern has been expressed about the potential impact lead regulations would have on the nation's crude oil supply. The low-lead regulations will not go into effect until 1975 and 1976. However, refineries will be required to begin adjusting the refinery production to the economy and technological impacts of the regulations during this decade. Modeling studies completed by Boozner and Moore Associates demonstrated no positive impact in either 1975 or 1977 on crude usage. If it is assumed that additional leaded gasoline is required to fuel new vehicles equipped with lead tolerant emission control systems which might be partially phased in between 1976 and the end of the decade the impact represents less than .4 percent increase in crude usage by 1980. If one assumes catalysts are used on all future model vehicles and consequently the quantity of leaded gasoline produced continues to decline, the low-lead regulations never have a significant impact on crude requirements.

It is instructive to compare these numbers with the energy impact of air conditioners in automobiles. Air conditioners have been estimated to have a 13 percent impact on fuel economy. In 1980 if 75 percent of the automobiles are equipped with air conditioners, the impact on crude oil requirements will be approximately 800 thousand barrels per day or roughly 4.4 percent of the nation's needs. 

Averaging strategy. The lead regulations proposed on January 10, 1973, would have permitted each refiner to average its lead usage over quarterly production of leaded gasoline so long as the average lead content per gallon did not exceed the applicable leaded grade lead limit. Lead pool averaging was proposed for comment based upon the determination that this approach afforded optimum refining flexibility consistent with attainment of the Agency's goal of 60-65 percent reduction in lead usage.

In light of additional information and views received during the comment period, EPA has reviewed the merits of two alternatives to leaded pool averaging. These are (1) a system of total pool averaging, permitting a refiner to average its lead usage over all grades of gasoline and including the unleaded grade, and (2) permitting each refiner a choice between leaded pool averaging and total pool averaging. Analysis of the impacts and practicalities of the alternative averaging approaches has led EPA to conclude that total pool averaging should be adopted.

Comparing the effects of leaded pool averaging and total pool averaging shows that refinement of grades of unleaded gasoline, one leaded and one unleaded grade, are significantly penalized by leaded pool averaging. Because two grade marketers are unable to count production of unleaded gasoline toward meeting the average, a leaded pool standard exerts pressure to market three grades of gasoline, including the unleaded grade, and (2) permitting each refiner a choice between leaded pool averaging and total pool averaging. Analysis of the impacts and practicalities of the alternative averaging approaches has led EPA to conclude that total pool averaging should be adopted.

Total pool averaging is not expected to induce three-grade marketers to opt for two grades, but does not tend to discourage use of unleaded gasoline. A total pool standard permits each refiner to use the same amount of lead for equivalent gasoline production and is more neutral in its effect upon industry marketing decisions.

The alternative of allowing each refiner a choice between leaded pool and total pool averaging would permit each refiner to choose the system that maximizes lead usage. The price of this flexibility is that lead reduction goals would not be achieved. It is not possible under any option system to predict what reductions in lead usage would be achieved under the regulations. Decrease in lead usage which happen to be achieved under an option system would depend on the mix of leaded and unleaded gasoline sales, the sales volumes, and the individual plans of all gasoline refiners. The option system does not permit reasonable estimates of the reductions in lead usage attainable under any given pair of standards.

A majority of the refiners who commented on the regulations recommended that total pool averaging be adopted.

The Administrator finds that total pool averaging is in fact the fairest workable mechanism for accomplishing the necessary reduction in lead usage.

Computation of total pool standard. The promulgation of a total pool average standard requires that the reproposed leaded pool standard be adjusted to take into account the quantity of unleaded gasoline. The method of computation is to apply the numerical leaded pool standard by the percentage of unleaded gasoline sales estimated for the particular year. For example, 2 grams per gallon X the percentage of 1975 sales of unleaded gasoline—the total pool standard for 1975.

Future sales of unleaded and leaded gasoline cannot be predicted with complete assurance. A total sale of unleaded gasoline will depend upon the number of vehicles requiring it to meet emission standards, the extent to which owners of vehicles not requiring unleaded gasoline will buy it, and the projected miles driven and fuel consumption of vehicles in the various model year classes.

A study entitled “Alternative Proposals for a Lead Regulation for Automobiles for the Fiscal Year 1973” prepared for the Agency by Turner, Mason, and Solomon in June, 1972, sets forth estimates based on different assumptions affecting sales of leaded and unleaded gasoline. The estimates selected by EPA as most consistent with present trends in unleaded gasoline sales are provided in case I of the Turner, Mason and Solomon Report. Case I assumes no extension of the 1975 standards, eliminating the need for unleaded gasoline, but that owners of pre-1975 model year motor vehicles will purchase little or no unleaded gasoline.

Using the Case I estimates of future sales of leaded and unleaded gasoline, the conversion of the proposed leaded pool standard to a total pool standard is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Leaded pool std.</th>
<th>Percent unleaded</th>
<th>Total pool std.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>1.25</td>
<td>43.6/66.7</td>
<td>0.12</td>
</tr>
<tr>
<td>1978</td>
<td>1.5</td>
<td>59.6/40.4</td>
<td>0.13</td>
</tr>
<tr>
<td>1977</td>
<td>1.75</td>
<td>69.6/30.4</td>
<td>0.14</td>
</tr>
<tr>
<td>1976</td>
<td>1.75</td>
<td>69.6/30.4</td>
<td>0.14</td>
</tr>
<tr>
<td>1975</td>
<td>1.75</td>
<td>69.6/30.4</td>
<td>0.14</td>
</tr>
</tbody>
</table>

The promulgated reduction schedule is derived from the table above, but the schedule has been adjusted to minimize the economic and technological impacts of the regulations during the period over which the reductions would be accomplished. To achieve the targeted 60-65 percent reduction in lead usage requires that the schedule be extended to include 1979. The total pool standard corresponding to the proposed leaded pool standard for 1979 is 2 grams per gallon X the percentage of 1975 sales of leaded gasoline—the total pool standard for 1975.
January 1, 1975.....1.7 grams per gallon.
January 1, 1976.....1.4 grams per gallon.
January 1, 1977.....1.4 grams per gallon.
January 1, 1978.....0.8 grams per gallon.
January 1, 1979.....0.5 grams per gallon.

This reduction schedule will achieve the 60-85 percent reduction in lead usage and emissions called for in the Act. It also assumes that industry's lead usage under total pool standards is approximately the same as the lead usage projected under the leaded pool standards previously proposed.

The standard will have to be evaluated in 1978 to determine what further reductions in the lead standard, if any, are necessary to maintain lead emissions at the desired levels. Accordingly, no further reductions will be required if unleaded gasoline remains the fuel required for new motor vehicles. If unleaded gasoline is no longer required for new vehicles, the lead standard will be reexamined in light of increasing gasoline demand.

Combining refineries for purposes of averaging. Two refiners have requested that the regulations be changed to allow them to combine their leaded gasoline production facilities for purposes of computing the average instead of requiring averaging at each refinery. This approval would be requested by small refineries in order to concentrate production of leaded or unleaded gasoline at particular refineries.

EPA proposed averaging at each refinery instead of each company in order to obtain better regional variation in lead emissions due to averaging. Regional variation could result from the mix of gasoline grades sold in a particular market if a company used its lead allowance to manufacture one grade instead of another. EPA's decision to produce high-lead gasoline at an old southeast refinery and low-lead gasoline at a newer west coast facility, each serving different markets, requiring levels to be moderated at each source is a reasonable effective means of minimizing variation in the area where the gasoline is actually sold.

Although EPA has suggested that the location of the refineries in a particular EPA region might serve as a basis for approving combinations, this criterion does not provide assurance that the areas served by those refineries and other refineries would not be subject to variation in lead emissions. There is no necessary correlation between the location of the refineries and their service areas. The Administrator has concluded that there are no workable criteria for assessing the impact of combinations for purposes of averaging and that the refineries would be infeasible in lead usage cannot be accommodated without compromising the objective of minimal variation in reduction in lead emissions in all parts of the country.

Averaging period. Many refiners requested a provision for an averaging period instead of the quarterly period proposed. A longer averaging period would accommodate seasonal variations in gasoline usage. Because high lead blends are usually introduced into the winter season to facilitate cold starts, less lead is needed in winter blends. The refiners would like to be free to put more lead in summer blends, and a longer averaging period would make this possible.

The summer season is also the period of maximum exposure to airborne and dustborne lead for both children and adults. For this reason, EPA is unable to agree to the change proposed in the averaging period.

Small refineries. The proposed regulations provided for a one-year delay of the leaded pool standard. The small refiners' request for a delay in the reduction schedule for small refiners, as defined in § 80.20(b), in recognition of special lead-time problems faced by this group. EPA has approved both the lead-time requirements of the small business refiners with particular reference to the effect on lead-time, if any, of the change to a standard based on total pool averaging. That decision reflected the repetitive lead standard pool standard, refiners producing little or no unleaded gasoline received the benefit of a higher average lead level per gallon of leaded gasoline sold. Small refiners fell into this category, and would have been able to use more lead under a leaded pool standard taking account of production of unleaded gasoline by other refineries.

The issue of the refiners' situation has led to the conclusion that these refiners require additional lead-time for compliance beyond the one year deferment previously proposed. This approval is based on the Administrator's determination that it is reasonable and necessary to delay the requirements for compliance by small refineries until January 1, 1977. On this date, small refineries are required to comply with the 1977 standards.

Review of lead reduction program. In the January 10, 1973, repropoal of the regulations, the Administrator stated his intention to reduce the lead content in gasoline as much as possible, giving consideration to the degree of reduction achieved by introduction of unleaded gasoline and (b) evidence on the feasibility of reducing lead from other environmental sources. It is too early to state whether unleaded gasoline sales will expand steadily through the seventies. Studies of potential reduction in lead from other sources are still in progress. According to the Administrator, the evidence has determined that it would be premature to announce a decision on the need for further reductions in lead in gasoline. EPA will review progress under the regulations as well as the progress over the next few years, beginning in 1977. This review will afford a firmer basis for a decision on whether further action is necessary to regulate lead in gasoline to protect public health and welfare.

Reporting of lead additive manufacturers. The January 10, 1973, repropoal included a requirement that lead additive manufacturers would report quarterly to the Administrator on their shipments of lead additive. A number of comments were received on this proposal, which is promulgated below as proposed. The basis for the requirement—that it is determined to be necessary for verification of reported sales—has not changed.

Prevention of violations by refiners. As a complementary measure to the January 10, 1973, promulgation of a strict liability provision in § 80.23 applicable to refiners, the Agency on that date proposed a provision specifying that it is the refiner's duty to prevent violations of § 80.23(b). Two refiners and one petroleum trade association commented that practical and legal considerations made the regulation unreasonable, particularly as regards the requirement on permitting violations. One other refiner commented that timely reports under § 80.23(c) be adopted, it should provide for a showing by the refiner that he in fact did not cause or permit a given violation. The Administrator has decided that § 80.23 is now in litigation and the Agency is engaged in negotiations with refiners which may lead to revision of the provision. Accordingly, no action is being taken on the proposed § 80.23(c), but it is not being withdrawn.

Control of lead under Title I. One commentator has contended that the Clean Air Act requires the Administrator to establish a national ambient air quality standard under Title I or, at least, to impose controls under § 211 that would achieve results which would be as protective of health on as effective and timely results than action an as-regards the requirement on permit under Title I. The commentator, an environmental group, concludes that the proposed lead reduc- sion schedule would achieve “far less effective and timely results than action under Title I because the proposed schedule is so week,” and petitioned EPA for the issuance of national ambient air quality standards for lead.

It is clear from EPA's action that the implementation of the Act is currently planned. It is clear from the Administrator's judgment that he may regulate a substance under section 211 without necessarily tailoring his action to what could have been accomplished under sections 108, 109, and 110, since section 211 is a co-equal grant of regulatory authority. The determination whether to issue a criteria document for a substance and thereby set the statutory standard under Title I is entirely dependent upon the Administrator. Section 108 expressly recognizes this, inasmuch as it required the Administrator to list for action under Title I only those air pollutants for which there had not been issued before the date of enactment of the Clean Air Amendments of 1970, but for which he plans to issue air quality criteria. (emphasis added)

This falls considerably short of a statutory directive to issue criteria for lead,
and may be contrasted readily with the requirements of section 262(b) of the Act specifically identifying carbon monoxide, hydrocarbons, and oxides of nitrogen for regulatory action. While, as the commentator points out, language in the Senate Report on its version of the 1970 Clean Air Act amendments stated that the bill would require issuance of a criteria document for lead, this must be construed as only a statement of the Committee’s preference, since no such requirement appeared either in the language of the Senate or the conferees’ bill.

The regulations promulgated below shall be effective on January 7, 1973.

**§ 80.2 Definitions.**

1. In §80.1, the second sentence is revised to read as follows:

§ 80.1 Scope.

**. . . These regulations are based upon a determination by the Administrator that the emission product of a fuel or additive will endanger the public health, or will impair to a significant degree the performance of a motor vehicle emission control device in general use or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulations promulgated; and certain other findings specified by the Act.**

2. In §80.2, a new paragraph (m) is added as follows:

§ 80.2 Definitions.

. . . .

(m) "Lead additive manufacturer" means any person who produces a lead additive or sells a lead additive under his own name.

3. A new §80.20 is added as follows:

§ 80.20 Controls applicable to gasoline refiners.

(a) (1) In the manufacture of gasoline at any refinery, no gasoline refiner shall exceed the average lead content per gallon specified below for each 3-month period (January through March, April through June, July through September, October through December):

(i) 1.7 grams of lead per gallon, after January 1, 1975;

(ii) 1.4 grams of lead per gallon, after January 1, 1976;

(iii) 1.0 grams of lead per gallon, after January 1, 1977;

(iv) 0.8 grams of lead per gallon, after January 1, 1978;

(v) 0.5 grams of lead per gallon, after January 1, 1979.

(b) The provisions of paragraph (a) (1) (i) and (ii) of this section shall not be applicable to any refiner which does not have more than 30,000 barrels per day crude oil or bona fide feed stock capacity from owned or leased facilities or from facilities made available to such refiner under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis), or a through-put or other form of processing agreement, with the same effects as though such facilities had been leased.

4. A new §80.25 is added as follows:

§ 80.25 Controls applicable to lead additive manufacturers.

For each 3-month period (January through March, April through June, July through September, October through December) commencing with the period January 1, 1975 through March 31, 1975, each lead additive manufacturer shall submit to the Administrator a report showing the total grams of lead shipped to each refinery by such lead additive manufacturer during the period. Reports shall be submitted within 15 days after the close of the reporting period, on forms supplied by the Administrator upon request.

5. A new §80.26 is added as follows:

§ 80.26 Confidentiality of information.

Information obtained by the Administrator or his representatives pursuant to this part shall be treated, in so far as its confidentiality is concerned, in accordance with the provisions of 40 CFR Part 2.
SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

CONFIDENTIALITY OF DRUG ABUSE PATIENT RECORDS
PART 1401—CONFIDENTIALITY OF DRUG ABUSE PATIENT RECORDS

In the Federal Register of November 17, 1973 (Vol. 38, No. 229, pages 24636-24639), a new Part 401 was added to Title 21 of the Code of Federal Regulations entitled “Confidentiality of Drug Abuse Patient Records.” (37 CFR 401). This part was promulgated as an interpretative regulation to deal comprehensively with both substantive and procedural problems which had arisen under section 408 of Public Law 92-255 (21 U.S.C. 1175), the Drug Abuse Office and Treatment Act of 1972.

By order published in the Federal Register on September 24, 1973 (38 FR 26111), Part 401, Chapter III of Title 21 of the Code of Federal Regulations was redesignated as Part 1401, Chapter III of Title 21 and §§ 401.01 through 401.73 therein were redesignated as 1401.01 to 1401.73, respectively. Accordingly, all references and changes herein relate to the new section numbers rather than the numbered sections as originally published.

To provide information necessary to aid the Director of the Special Action Office for Drug Abuse Prevention in determining whether this regulation should be amended, revoked, or reissued, interested persons were invited to submit written data, views, and arguments. Numerous comments, suggestions, and recommendations were received from professional and other organizations and individuals as well as known authorities in the field of drug abuse treatment and rehabilitation. Without exception, the comments supported the underlying policy of protecting the privacy of patients in federally authorized or supported drug abuse prevention programs as well as recognizing the incidence of drug abuse in our society.

The Special Action Office has given serious consideration to all of the comments, suggestions, and recommendations, and could not be adopted without changes in section 408 of the act. Several were based on a misconstruction of the regulations and required no changes. Others raised questions regarding certain sections of the regulation which required clarification or changes. The Director has determined that all of the amendments, which are hereinafter set forth, are necessary or desirable in furtherance of the Government's policy of securing the privacy of patient records as an important part of its program of minimizing the adverse social consequences of drug abuse.

A summary review of the comments and recommendations and the action taken with respect to each are set forth below, followed by the full text of the regulation as revised.

1. Definition of drug abuse prevention function. Through inadvertence, the definition of “drug abuse prevention function authorized or assisted under provision of the act or any act amended by the act” as appearing in § 1401.01 of the regulations, applied to programs which (1) are conducted by an agency or department of the United States Government or (2) are conducted by virtue of a license, permit, or other authorization by any agency or department. It was intended that this definition also should include any drug abuse prevention function which is supported by any agency or department of the United States Government to Federal law. Section 1401.01 is so amended.

2. Definition of medical personnel. Under § 1401.01(g) the definition of “medical personnel” includes physicians, nurses, psychologists, counsellors, and supporting clerical and technical personnel. A recommendation has been made that this definition be clarified with respect to social workers and staff members in training positions. Section 1401.01(g) has been amended to make it clear that these persons are included in the definition, as well as to explicitly include financial and administrative personnel such as those providing insurance and administrative services to treatment. Section 1401.01(g) has been amended to make it clear that these persons are included in the definition, as well as to explicitly include financial and administrative personnel such as those providing insurance and administrative services to treatment.

3. Definition of records. Section 408(a) provides that: “Records of the identity, diagnosis, * * * are to be kept confidential. The comment has been made that these records should be considered as “communications” and the question has been raised as to whether communications and other types of information were intended to be protected against unauthorized disclosures. While it is true that section 408 do not refer to “communications,” it is obvious that the policy of the section would be defeated if drug treatment personnel were allowed to disclose communications or other unrecorded information received from the patient, whether or not they were permitted to disclose the records based upon such communications. Any other interpretation would conflict with the explicit objective of section 408 in attempting to encourage drug addicts to volunteer in a drug treatment program. We have considered the question not only as to communications “records” but also to all communications and other information relating to the patient’s identity, diagnosis, prognosis, or treatment in a federally authorized or supported drug abuse prevention activity. Therefore, if information would be treated as confidential if recorded, it should receive the same protection if not recorded. Paragraph (h) of § 1401.01 has been added to express this interpretation.

4. Applicability prior to March 1, 1972. An inquiry has been received as to whether section 408 applies to records in existence prior to the publication of the regulations or the enactment of the statute. Section 408 of P.L. 92-255 applies to records “maintained in connection with the performance of any drug abuse prevention function authorized or assisted under any provision of the act or any act amended by the act.” This is implemented by § 1401.02 which makes section 408 applicable to records made on or after March 21, 1972, the date of enactment of P.L. 92-255. Therefore, provisions of section 408 would apply to any records of a patient generated prior to March 21, 1972, provided he was an active participant in a treatment program which was authorized or supported drug abuse prevention program on March 21, 1972, and that record represented a single continuous program. Therefore, the record of a patient actively participating in a federally authorized or supported drug abuse prevention program on March 21, 1972, should be considered as confidential in its entirety even though part of it was generated immediately prior to that date. Section 1401.02(a) of the regulations is amended to clarify this point.

5. Disclosure to governmental personnel for purposes of obtaining benefits. Section 1401.23 provides for disclosure with the patient’s consent for the purpose of obtaining public benefits. A recommendation has been made that limitations should be set upon the nature and extent of the information legitimately needed to qualify for benefits. Section 1401.23, the right to limit the extent of disclosure for purposes of obtaining these benefits. Section 1401.26 limits disclosure to information necessary in the light of the need to determine the patient’s eligibility to governmental benefits to which the patient is entitled. Numerous questions have been raised concerning the authority of a patient to consent to disclosure in a judicial or administrative proceeding which involves an issue relating to a patient’s claim, benefit, or a right to which the patient is entitled. Under § 1401.24, similar disclosures are authorized in connection with judicial or administrative proceedings. To clarify this question, a new paragraph (d) has been added to § 1401.23. This section provides that whenever a patient is entitled to any claim or other benefit which is an issue in any judicial or administrative proceeding and some part or all of his drug abuse record is relevant to, and necessary in support of, such claim or benefit, such patient may consent to disclosure of his record to the extent needed to support such claim or other benefit. When such disclosure is authorized, the court, administrative tribunal, or governmental body or official should be alerted as to the need to maintain confidentiality and to avoid, to the extent practicable, any further disclosure of the record or the patient’s identity to government.
personnel for the purpose of obtaining benefits to which the patient is entitled.

Section 101 of the Act contains an express finding that the success of Federal drug abuse programs and activities requires a recognition that education, treatment, rehabilitation, and prevention programs are not unrelated. Section 103(b) defines “drug abuse prevention function” as any program relating to education, training, treatment, rehabilitation or research and includes functions or programs performed by an organization whose primary mission is in the field of drug traffic prevention functions or is unrelated to drugs. The Director of the Special Action Office has determined that employers, employment agencies and employment services which have demonstrated their willingness to assist in the employment of persons who are present or past patients in a drug abuse treatment or rehabilitation program are performing an essential drug abuse prevention function. Section 1401.26 now provides that a minor patient’s progress or status in a treatment program may be furnished to an employer but only after the patient has been employed or has been accepted for employment. This section is now required to permit disclosures to employers and employment agencies and services which have agreed to assist such patients, both present and past, in obtaining gainful employment.

Disclosure is permitted only with the patient’s consent and is limited to an evaluation of such patient’s status or progress in treatment or rehabilitation programs. Section 1401.26 is amended accordingly.

8. Consent of a minor patient to disclose to parents. Two questions have been raised concerning the disclosure of the records of a minor patient to his parents. The first question concerns the authority for such disclosure. The second question inquires as to whether a minor patient is authorized to give consent. The answer to these questions is set forth in § 1401.26(b) of the regulations which provides that information in the nature of a general evaluation of a patient’s present or past status in a treatment or rehabilitation program may be furnished to the patient and the patient makes a written request that such information be furnished. It should be noted that this provision is limited to the disclosure of a general evaluation of the patient’s status or progress in the program and also can only be done if requested by the minor.

Regarding the second question, whether a minor would have authority to consent to disclosure of his or her record if permitted, the answer to this question would depend upon local law in view of the fact that section 408 establishes no specific rule on the question. Of course, if the minor is considered incompetent under local law, consent can then be rendered by a guardian or conservator or if deceased by his personal representative as provided in § 1401.04. However, this would apply only in cases where disclosure is otherwise authorized with patient’s consent under section 408 or the regulations.

Neither of these comments require any change in the case that they have been dealt with already to the extent permissible under law. Therefore, no revisions are considered necessary.

Health and other insurance claims. There have been numerous instances in which patients, or former patients in any drug abuse program, have encountered difficulty in supporting their claims for reimbursement or payment under health or other insurance programs for the purposes of treatment or arrangements for programs under which they are beneficiaries. A major cause of this difficulty is attributable to the reluctance of insurance companies to disclose the necessary information. It has been suggested that the regulations should spell out the record to support the claim notwithstanding the fact that any such payment or reimbursement is directly related to the patient’s treatment, which is part of the definition of “drug abuse prevention function” in section 103(b) of Public Law 92–225. Therefore, in order to clarify the law governing records pertaining to this purpose, a new § 1401.27 has been added specifically authorizing a limited disclosure of information in a patient’s record with his consent to the extent necessary to support a claim for reimbursement or payment under a health or other insurance programs for the benefit of the patient and under circumstances in which such claim is related to the performance of a drug abuse prevention function, i.e., treatment or rehabilitation.

10. Disclosure to a registry. Section 1401.43 of the regulations permits disclosure of a patient’s record to a registry serving such program to the extent that personnel of State agencies or boards are serving some legitimate drug abuse prevention function or evaluating functions. This group would include principally individuals employed by organizations having primary responsibility for conducting scientific research, management, or financial audits or program evaluations. Except in special circumstances, these functions would be performed only by Federal, State, or local governmental agencies, regulatory, or accrediting agencies having primary responsibility for the collection, evaluation, and dissemination of information in connection with a drug abuse program or program evaluation study for which actual drug use data is needed. Paragraph (b) has been added to § 1401.44 to define “qualified personnel” as used in section 408(b)(2)(B).

Disclosure to State agencies as required by statute. Section 1401.26 has been added specifically authorizing a disclosure to the State Public Health Department or other State agencies to carry out some local policy objective, such as a check on doctors to determine possible abuse in the treatment of drug addicted patients. Apparently, some doubt has been expressed that section 408 and the regulations do not cover this situation. Attention is directed to § 1401.44 which authorizes disclosure without the consent of a patient to qualified personnel for the purposes of conducting scientific research, management, or financial audits, or program evaluations. To the extent that personnel of State agencies or boards are serving some legitimate drug abuse prevention function, the purposes indicated in this section would seem to come within the intent of section 408(b)(2)(B) of Public Law 92–225 and § 1401.44 of the regulations. Attention is specifically invited, however, to the fact that section 408(b)(2)(B) protects the patient in that any qualified personnel receiving patient information is prohibited from disclosing directly or indirectly the identity of any individual patient. If any State law provided otherwise, the Federal policy as set forth in section 408(b)(2)(B) would prevail. Consequently, if the State does not conform to the regulations, it would not meet the qualifications test by reason of conducting scientific research, management or financial audits or program evaluations and they remain subject to the policy in section 408(b)(2)(B) with respect to further disclosure in most instances disclosure to such personnel is authorized. However, a program director need not authorize a disclosure under section 408.
(b) (2) (B) If he does not have assurance that the patient's rights of confidentiality are respected. It is believed, therefore, that a reasonable interpretation of this subsection is that a resulting problem that might arise thereunder and therefore no changes are being made at this time.

13. Disclosure in court proceedings—court orders. Several questions have been raised regarding disclosures in court proceedings and the procedure and authority for making such disclosures in certain situations.

The comment referred to a situation in which the drug addiction of the husband was a ground for divorce and therefore was relevant to a proceeding for divorce initiated by the wife. Assuming that the proper procedure in such a case would be to obtain a court order under section 408(b) (2) (C) based upon a showing of good cause. This would be done under § 1401.72 of the regulations and the court should be asked to receive the evidence in camera.

(b) Another question related to the lack of a requirement of notice to the patient and an opportunity to participate in a court proceeding under section 408(b) (2) (C) of the Act. This question raised the issue that due process should require an opportunity to participate in what may be a critical stage of a criminal proceeding, otherwise the proceedings would be ex parte with only the applicant and the judge present. The function of the comment is made that the regulations contain no definitional guidance as to what constitutes the "public interest" in the granting of a court order and recommends that more specific guidance be included in any revision of the regulations. Attention is invited to § 1401.72 which sets forth information which should be included in an application for a court order under section 408(b) (2) (C) of the Act. This application is made to assist the court in making a finding as to whether disclosure in any particular case would be in the public interest. Until there is compelling evidence of a sufficient public interest, the Special Action Office deems it undesirable to make additional changes on these points.

(c) A related comment suggests that section 406 requires that the court consider the possible injury to the patient and to the physician-patient relationship in any proceeding to determine whether an order should be granted in the public interest. It is indicated that in any such proceeding, the information concerning the patient will be disclosed and information concerning him as a patient will be the subject of discussion at the hearing and consequently in effect would constitute a disabling disclosure in violation of the intent of section 408. This is a valid comment but it assumes that the patient's identification will be disclosed at the hearing. Commenters as well as the court, should be alerted to the dangers of such disclosure in order to avoid the identification of a specific patient as the subject of the hearing. This can be done by an agreement between counsel and the court that the patient's name will not be identified in the proceedings. Also, whenever it will serve the interests of justice, disclosure should be made in camera and the record sealed.

View of the foregoing recommendations, it is hereby found that good cause exists to make the amendments in the regulations as described above. It is hereby determined that good cause exists to make these amendments effective immediately, that such amendments constitute interpretative rules within the meaning of section 553(b) of title 5, United States Code, and accordingly that notice and public procedure prior to their effectiveness are not required by law. Therefore, it is ordered that title 21, Chapter III, Part 1401 of the Code of Federal Regulations be amended accordingly and as amended will read as hereafter set forth, effective upon publication in the Federal Register.


GRIFFIN CREWS II, General Counsel.

GENERAL PROVISIONS

§ 1401.01 Definitions.

For the purposes of this part, the following words shall have the meanings indicated:

(a) The term "Act" means the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255) including such amendments thereto as may be in effect at the time the provision referring to it is applied.

(b) The term "Director" means the Director of the Special Action Office for Drug Abuse Prevention.

(c) The term "drug abuse prevention function" means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions (as defined in 21 U.S.C. 1103(c)), or is unrelated to drugs.

(d) The term "drug abuse prevention function authorized or assisted under any provision of the Act or any act amended by the Act" means any drug abuse prevention function.

(1) Which is conducted or supported, in whole or in part, by any department, agency, or instrumentality of the United States, or

(a) For the lawful conduct of which in whole or part any license, permit, or other authorization is required to be granted by any department or agency of the United States.

(c) The term "patient" means any person who is or has been interviewed, examined, diagnosed, treated, or rehabilitated in connection with any drug abuse prevention function and includes any person who is, after arrest on a criminal charge, is interviewed and/or tested in connection with drug abuse preliminary to a determination as to eligibility to participate in a drug abuse prevention program with the approval of the court.

(d) The term "governmental personnel" means those persons who are employed by the U.S. Government, by any State government, or by any agency or political subdivision of either, and includes Veterans Administration personnel as described in § 1401.23(b).

(e) The term "medical personnel" includes physicians, nurses, psychologists, counselors, social workers, and supporting administrative, financial, clerical, and technical personnel.

(f) The term "records" as used in section 408(a) shall include communications and other information, whether recorded or not, relating to the identity, diagnosis, prognosis or treatment of a patient.

§ 1401.02 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to records or any part thereof made on or before February 1, 1974.
after March 21, 1972, of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function authorized or assisted under the Act or any act amended by the Act. This part applies also to records maintained for patients actively participating in a treatment program prior to March 21, 1972 where such prior treatment is part of one continuous treatment activity still subsisting on that date.

(b) The provisions of section 408 of the Act (21 U.S.C. 1175) and the remaining provisions of this part do not apply to any interchange of records entirely within the Armed Forces, within those components of the Veterans Administration furnishing health care to veterans, or between such components and the Armed Forces, but otherwise such section and this part apply to any communication to or from any person outside the Armed Forces or such components of the Veterans Administration.

§ 1401.03 General rules regarding confidentiality.

Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function shall be confidential, may be disclosed only as authorized by this part, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding conducted by any Federal, State, or local authority, or in any case in which such proceeding is commenced before or after the effective date of this part.

§ 1401.04 Incompetent or deceased patients.

In any case in which disclosure is authorized with the consent of the patient, such consent may be given by a guardian, conservator, or other court-appointed designee in the case of an incompetent patient, and by an executor, administrator, or other court-appointed personal representative in the case of a deceased patient.

§ 1401.05 Security precautions.

(a) Appropriate precautions should be taken for the security of records to which this part applies. The succeeding paragraphs of this section set forth examples of such precautions, but these should be added to or may be modified in the light of individual circumstances.

(b) The file of each patient maintained in connection with the performance of any drug abuse prevention function should be marked “Confidential Patient Information,” as should any record identifying an individual as a drug abuse patient, including photographs, fingerprints, reports of skin abrasions incurred as a result of abuse, or other documentation of patient identification.

(c) Each file drawer, cabinet, or other container in which such files are kept should be conspicuously labeled with a proprietary statement such as the following:

CONFIDENTIAL PATIENT INFORMATION
Any unauthorized disclosure is a Federal offense.

§ 1401.06 Extent of disclosure.

Any disclosure made under this part, whether with or without the patient’s consent, shall be limited to information necessary in the light of the need or purpose for such disclosure.

DISCLOSURES WITHOUT COURT AUTHORIZATION AND WITH CONSENT OF PATIENT

§ 1401.21 Form of consent.

(a) Where disclosure is authorized with the consent of the patient, such consent must, except as otherwise provided, be in writing and signed by the patient. Such consent must state—

1. The name of the person or organization to whom disclosure is to be made,

2. The specific type of information to be disclosed, and

3. The purpose or need for such disclosure.

§ 1401.22 Disclosure to medical personnel.

With the patient’s consent, disclosure to medical personnel is authorized for the purposes of diagnosis or treatment. The consent must be in writing and in the form prescribed in § 1401.21. All medical personnel to whom disclosure is made shall be subject to all of the rules on confidentiality as set forth in this part.

§ 1401.23 Disclosure to governmental personnel for purpose of obtaining benefits.

(a) Benefits generally. With the written consent of a patient, disclosure is authorized to governmental personnel for the purpose of obtaining benefits to which the patient is entitled. For the purposes of this section, benefits to which a patient is entitled include, but are not limited to, any welfare, medicare, or other public financial assistance authorized by Federal, State, or local law, the suspension or deferral of payment of charges or judgment, the granting of probation or parole, public pension or retirement benefits, and any other benefit conferred by lawful authority.

(b) Veterans benefits. Disclosure may be made to Veterans Administration personnel for the purpose of determining a patient’s eligibility for hospitalization, pension, or other veterans’ benefits. For the purpose of this section, Veterans Administration personnel includes any personnel (whether or not employed or compensated by the Veterans Administration) authorized by the Veterans Administration to assist patients in the preparation and submission of their claims.

(c) Welfare benefits. Where treatment for drug abuse has been made a condition to the granting or continuation of a welfare or other public benefit, disclosure is authorized to governmental personnel responsible for the administration or determination of such benefits.
strated their willingness to employ, or assist in the employment of, present or former drug abusers in a drug abuse treatment or rehabilitation program. Such organizations, agencies or employers shall maintain such evaluation as necessary in support of the program and shall not disclose any part thereof to any other person or organization. Any disclosure under this section shall be subject to all of the following conditions:

(1) The request for such an evaluation must be in writing and signed by the patient.

(2) The request must identify the employer (or official thereof) cooperating in the patient's rehabilitation program.

(3) The treatment organization must verify the authenticity of the request by telephone or other means of communication and ascertain the extent that the information is needed to verify the patient's treatment status.

(4) The information shall be limited to that reasonably necessary in view of the purpose of such treatment.

(5) No information may be furnished by a treatment organization unless the organization is satisfied on the basis of past experience or other credible information (which may in appropriate cases consist of a written statement by the employer) that such information will be used for the purpose of assisting in the rehabilitation of the patient and not for the purpose of identifying the individual as a patient in order to deny him employment or advancement because of his history of drug abuse.

(b) Information in the nature of a general evaluation of a patient's present or past status in a treatment program may be furnished to members of the patient's family if, in the judgment of a qualified physician, the information would be helpful in treatment or rehabilitation of the patient and the patient and the maker requests such information to be furnished.

§ 1401.27 Disclosure for purposes of collecting health or other insurance claims.

A patient who has entered a drug abuse prevention program for diagnosis or treatment may for the purpose of such diagnosis or treatment (including the financing thereof) authorize the disclosure of information contained in his record to the extent necessary to support a claim for payment or reimbursement under a health or other insurance program carried by or on behalf of the patient and under which such patient is a beneficiary or participant. Any such disclosure shall be limited only to information which is directly relevant to, and necessary in support of, a claim for payment or reimbursement under such health or insurance program for the benefit of the patient and any information so disclosed remains subject to all of the restrictions of this part with respect to any further disclosure.

§ 1401.41 Disclosure without consent in general.

(a) Disclosure of a patient's records may be made without the consent of the patient and without authority of a court order as follows:

(1) To medical personnel to meet a medical emergency; and

(2) To qualified personnel for purposes of research, audits, or program evaluation.

§ 1401.42 Medical emergency.

Disclosure to medical personnel, either private or governmental, is authorized without the consent of a patient only when necessary to meet a bona fide medical emergency and only to the extent necessary to meet such emergency.

For the purposes of this section a bona fide medical emergency may be considered to exist whenever competent medical authority has determined that the life or health of the patient involved may be impaired and medical treatment without the record could be detrimental to the patient's health. Where, for example, a patient is incarcerated and claims to be a patient in a methadone treatment program, this claim may be verified by inquiry to the treatment center administering the program or to a registry as is referred to in §1401.43 in order to avoid overdose on the one hand, or the danger of untreated withdrawal on the other.

§ 1401.43 Records maintained in connection with chemotherapeutic treatment.

The communication of information relating to patient identity and dosage between or among programs approved by the Commissioner of Food and Drugs pursuant to §130.44 of this title, or between such programs and a registry serving them, shall not be considered as a disclosure in violation of section 408(e) of the Act (21 U.S.C. 1175(e)) if the same information received from such registry shall be fully subject to section 408 of the Act and to the provisions of this part.

§ 1401.44 Research, audits, and program evaluation.

(a) Disclosure without consent is authorized to qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner. Information so obtained may be used in enforcing lawful requirements imposed with respect to the operation of treatment programs or research.

(b) A disclosure in violation of any provisions of section 408(c) of the Act (21 U.S.C. 1175(c)) specifically prohibits the use of patient records to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient, except as authorized under a court order granted under section 408(b)(2)(C). As used in this section, the term "qualified personnel" means persons whose training and experience are appropriate to the nature of the work in which they are engaged, and who are performing such work with adequate administrative safeguards against unauthorized disclosures.

§ 1401.51 Criminal penalties

Subsection (e) of section 406 of the Act (21 U.S.C. 1175) provides that except as authorized under subsection (b) of that section, any person who discloses the contents of a record referred to in subsection (a) of that section shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

§ 1401.62 Relationship of section 408 to other laws.

Section 408(b)(2)(C) of the Act (21 U.S.C. 1175(b)(2)(C)) empowers the courts, in appropriate circumstances, to authorize disclosures which would otherwise be prohibited by section 408(a).

Both the position of this authority in the bill as initially passed by the Senate and the explicit crossreference in section 408(a) of the final Act make clear the congressional intent that section 408(b)(2)(C) operate as a mechanism for the relief of the 408(a) strictures and not as an affirmative grant of jurisdiction to authorize disclosures prohibited by other provisions of law, whether Federal or State. By the same token, it should be noted that the authority which section 408(b)(2)(C) of the Act (21 U.S.C. 1175(b)(2)(C)) confers on courts to issue orders authorizing the disclosure of records applies only to records referred to in section 408(a) of the Act (21 U.S.C. 1175(a)) that is, the records maintained by operating treatment or research programs, and not to secondary records generated by the disclosure of the 408(a) records to researchers, auditors, or evaluators pursuant to section 408(b)(2)(B).

§ 1401.62 Scope of orders; relationship to confidentiality provisions of Public Law 91-513.

(a) It is abundantly clear that section 408(b)(2)(C) was neither intended to confer jurisdiction on any court to compel disclosure of any information, but solely to authorize such disclosure. An order or provision of an order based on some other authority, or a subpoena, or other appro-
private legal process, is required to compel disclosure. To illustrate, if a person who maintains records subject to section 408 (a) of the Act is merely requested, or is even served with a subpoena, to disclose information contained therein which is a type whose disclosure is not authorized under section 408 of the Act or any of the foregoing provisions of this part, he must refuse such a request unless, and until, an order is issued under section 408 (b) (2) (C). Such an order could authorize, but could not, of its own force, require disclosure. If there were no subpoena or other compulsory process, the custodian of the records would have the discretion as to whether to disclose the information sought unless and until disclosure is authorized by an appropriate legal process, the authority for which would have to be found in some source other than section 408 of the Act. This result is compelled by the language of section 408 (b) (2) itself. The words used, "the content of such record may be disclosed * * * if authorized by an appropriate order" are too explicit and too well established as words of art to be interpreted as meaning "the content of such record shall be disclosed if required by an appropriate order."

(b) (1) This interpretation of the permissible scope of a 408 (b) (2) (C) order is not only appropriate in the light of the purposes, language, and legislative history of the Act in which it appears, but also is necessary in order to harmonize this section with section 3 (a) and 502 (c) of the Comprehensive Drug Abuse Control and Treatment Act of 1970 (42 U.S.C. 242(a); 21 U.S.C. 872 (c)), Congress conferred on the Secretary of Health, Education, and Welfare under section 4242(a) (a) of title 42, United States Code, or the Attorney General under section 872 (c) (c) of title 21, United States Code.

INTERPRETATIVE GUIDELINES FOR APPLICATIONS AND ORDERS UNDER SECTION 408 (b) (2) (C)

§ 1401.71 Applications for orders should be restricted to records of specified patients.

Section 408 (b) (2) (C) empowers courts of competent jurisdiction to authorize disclosure only on a showing of good cause. That section expressly provides that in assessing whether good cause exists, the court must weigh the public interest and the need for disclosure against the injury (a) to the patient, (b) to the physician-patient relationship, and (c) to the treatment services. Because these factors can only be weighted with respect to the particular patient involved, any application for such an order should relate only to the records (or a part thereof) of a specific patient and should include an identification of the patient and an indication whether the application is being made with or without his consent. This conclusion is buttressed by the form of section 408, which appears to have been deliberately cast in terms of the individual patient, e.g., section 408 (b) (1), "If the patient * * * gives his written consent * * *" and 408 (b) (2), "If the patient * * * does not give his written consent * * *", suggesting an intention that the disclosure order be limited to the records of a particular patient who either did or did not consent to the disclosure.

§ 1401.72 A description which should be furnished in support of application.

In those cases in which an application is not made by or with the consent of the patient, or is not joined in or consented to by the person or organization responsible for the records to which it relates, the Act implies that such application be supported by adequate information to enable the court to make the following findings:

(a) There is the public interest that would be served by granting the application;

(b) Any actual or potential injury, either economic or social, that could result to the patient or to the relationship of the patient to his physician;

(c) The effect that an order of disclosure would have on the administration of the drug-abuse prevention program;

(d) A clear showing that the interests of the public are substantial in relation to possible injury to the patient or to the patient-physician relationship.

§ 1401.73 Suggested safeguards against unnecessary disclosures.

Section 408 (b) (2) (C) implicitly negates a reasonable expectation of privacy by allowing unlimited disclosure when limited disclosure would serve the purpose. It states that "in determining the extent to which any disclosure of all or any part of any record is necessary," the court is required to impose appropriate safeguards against unauthorized disclosure. To facilitate compliance with this requirement, it would be within the intent and spirit of this provision of section 408 that any such court order:

(a) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted;

(b) Limit disclosure to those persons whose need for the information is the basis for the order;

(c) Require, where appropriate, that all information disclosed be held in camera; and

(d) Include any other appropriate measures to keep disclosure to a minimum, consistent with the protection of the patient, the physician-patient relationship and the administration of the drug abuse prevention program.

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